

N. 3001

No. 14955

---

**United States**  
**Court of Appeals**  
For the Ninth Circuit

---

EDWARD RAYMOND EGE, JOSEPH BOYD  
and JOSEPH VICTOR BRUNO,

Appellants,

vs.

UNITED STATES OF AMERICA,

Appellee.

---

**Transcript of Record**

---

Appeals from the United States District Court for the  
Northern District of California.  
Southern Division

**FILED**

**MAY 18 1956**

---

Phillips & Van Orden Co., 870 Brannan Street, San Francisco, Calif.-5-4-56

PAUL P. O'BRIEN, CLERK



No. 14955

---

**United States  
Court of Appeals  
For the Ninth Circuit**

---

EDWARD RAYMOND EGE, JOSEPH BOYD  
and JOSEPH VICTOR BRUNO,

Appellants,

vs.

UNITED STATES OF AMERICA,

Appellee.

---

**Transcript of Record**

---

**Appeals from the United States District Court for the  
Northern District of California,  
Southern Division**





## INDEX

---

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

PAGE

### Appeal:

Certificate of Clerk to Record on.....	366
Notice of .....	40, 41, 46
Notice of, Amended.....	54
Statement of Points on.....	369, 370, 372

Attorneys, Names and Addresses of.....	1
--	---

Bill of Particulars.....	15
--------------------------	----

Certificate of Clerk to Record on Appeal.....	366
---	-----

Indictment .....	3
------------------	---

Judgment and Commitment, Boyd.....	50
------------------------------------	----

Judgment and Commitment, Bruno.....	52
-------------------------------------	----

Judgment and Commitment, Ege.....	48
-----------------------------------	----

### Minutes of the Court:

June 23, 1955.....	7
July 7, 1955.....	8
July 8, 1955.....	8
July 14, 1955.....	9
August 4, 1955.....	10, 17, 18
September 26, 1955.....	24
September 27, 1955.....	26
September 28, 1955.....	27

INDEX	PAGE
Minutes of the Court—(Continued):	
September 29, 1955.....	28
October 28, 1955.....	37
Motion in Arrest of Judgment, Bruno.....	39
Motion for Bail.....	55
Motion for Bill of Particulars.....	11
Motion by Ege to Dismiss the First Count of Indictment .....	11
Motion for New Trial, Boyd.....	33
Motion for New Trial, Bruno.....	34
Motion for New Trial, Ege.....	31
Motion for Separate Trial of Counts in Indict- ment, Boyd .....	21
Motion for Separate Trial of Counts in Indict- ment, Bruno .....	24
Notice of Appeal, Boyd.....	40
Notice of Appeal, Bruno.....	41
Notice of Appeal, Ege and Boyd.....	46
Notice of Appeal, Amended, Boyd.....	54
Notice of Motion for Separate Trial of Counts in Indictment, Boyd.....	19
Notice of Motion for Separate Trial of Counts in Indictment, Bruno.....	22
Request for Questions to Be Propounded on Voir Dire Examination of Jurors.....	44

INDEX

PAGE

Statement of Points on Which Appellant Boyd Intends to Rely.....	372
Statement of Points on Which Appellant Bruno Intends to Rely.....	369
Statement of Points on Which Appellant Ege Intends to Rely.....	370
Stays of Execution.....	43
Substitution of Attorneys Filed August 2, 1955.	13
Substitution of Attorneys Filed January 16, 1956 .....	373
Transcript of Proceedings.....	57
Exceptions to Instructions.....	356
Instructions to the Jury.....	334
Witness, Defendant's:	
Ege, Edward Raymond	
—direct .....	283
—cross .....	298
Witnesses, Government's:	
Andress, Ray M.	
—direct .....	240
—cross .....	248, 252, 259
Bell, Constance Marie	
—direct .....	58
—cross .....	92, 148, 162, 168
—redirect .....	194, 269

INDEX	PAGE
Witnesses, Government's—(Continued)	
Briley, Charles W.	
—direct .....	209
—cross .....	213, 266
Ellingson, J. W.	
—direct .....	201
Giomi, Gene	
—direct .....	195
—cross .....	197, 200
Goldberg, John	
—direct .....	220
—cross .....	227
Moe, John C.	
—direct .....	231
—cross .....	237
Rathjen, George W.	
—direct .....	204
—cross .....	208
Thompson, George H., Jr.	
—direct .....	215
Wright, Kenneth Ward	
—direct .....	219
Verdict, Boyd .....	30
Verdict, Bruno .....	31
Verdict, Ege .....	30

## NAMES AND ADDRESSES OF ATTORNEYS

GEORGE T. DAVIS,  
98 Post Street,  
San Francisco, California,  
For Defendant, Ege.

LEO R. FRIEDMAN,  
San Francisco, California,  
For Defendant, Boyd.

LILLIE AND BRYANT, and  
WALTER M. CAMPBELL,  
668 So. Bonnie Brae Street,  
Los Angeles 57, California;

ROBERT B. McMILLAN,  
625 Market Street,  
San Francisco, California,  
For Defendant, Bruno.

LLOYD H. BURKE,  
United States Attorney,  
Post Office Building,  
San Francisco, California,  
For Plaintiff.



In the United States District Court for the Northern  
District of California, Southern Division

Criminal No. 34576

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD RAYMOND EGE, JOSEPH BOYD,  
Alias JOE BOYD, and JOSEPH VICTOR  
BRUNO,

Defendants.

(Violation: Title 18 U.S.C., Section 2421—Inter-  
state Transportation of Female for Immoral  
Purposes; Title 18 U.S.C., Section 371—Con-  
spiracy.)

### INDICTMENT

First Count: (Title 18, United States Code, Section  
2421.) The Grand Jury charges That:

Edward Raymond Ege, defendant herein, did on  
or about the 17th day of October, 1953, in the City  
and County of San Francisco, State and Northern  
District of California, knowingly transport in inter-  
state commerce, to wit, from San Francisco, Cali-  
fornia, to Scottsdale, Arizona, a woman for the pur-  
pose of prostitution.

Second Count: (Title 18, United States Code, Sec-  
tion 371.) The Grand Jury further charges:

That Edward Raymond Ege, Joseph Boyd, alias  
Joe Boyd, and Joseph Victor Bruno, at a time and



place to the Grand Jury unknown, in violation of Title 18, United States Code, Section 371, did conspire together, and with other persons to the Grand Jury unknown, to commit an offense against the laws of the United States of America, in that they and each of them did conspire, in violation of Title 18, United States Code, Section 2421, knowingly to transport women between California and Arizona and California and Nevada for the purpose of prostitution.

Thereafter and during the existence of said conspiracy and in furtherance thereof and to effect the objects thereof, one or more of the said defendants, hereinafter mentioned by name, did the following acts.

### Overt Acts

1. In June, 1953, defendants Joseph Boyd, alias Joe Boyd, and Edward Raymond Ege, went to 2545 Noriega Street, San Francisco, California, State and Northern District of California.

2. In September, 1953, defendant Edward Raymond Ege, took one Constance Marie Bell from the Sarong Club, 875 Geary Street, City and County of San Francisco, State and Northern District of California, to 395 Monterey Boulevard of said City.

3. In September, 1953, at 395 Monterey Boulevard, City and County of San Francisco, State and Northern District of California, defendant Edward Raymond Ege had a conversation with Constance Marie Bell.



4. In October, 1953, defendant Edward Raymond Ege drove an automobile from Folsom, California, to 395 Monterey Boulevard, City and County of San Francisco, State and Northern District of California.

5. In October, 1953, at 395 Monterey Boulevard, City and County of San Francisco, State and Northern District of California, defendant Edward Raymond Ege, gave the telephone number in Arizona of defendant Joseph Boyd, alias Joe Boyd, to Constance Marie Bell.

6. In October, 1953, Constance Marie Bell in the State of Arizona had a telephone conversation with defendant Joseph Boyd, alias Joe Boyd.

7. In October, 1953, defendant Joseph Boyd, alias Joe Boyd, drove Constance Marie Bell in an automobile from Phoenix, Arizona, to Scottsdale, Arizona.

8. In October, 1953, Constance Marie Bell in the State of Arizona had a telephone conversation with Edward Raymond Ege in the City and County of San Francisco, State and Northern District of California.

9. In October, 1953, defendant Joseph Victor Bruno drove Constance Marie Bell from Bakersfield, California, to Delano, California.

10. In October, 1953, in the City and County of San Francisco, State and Northern District of California, defendant Edward Raymond Ege took the

sum of approximately \$700 from Constance Marie Bell.

11. In October, 1953, defendant Edward Raymond Ege drove Constance Marie Bell from the City and County of San Francisco, State and Northern District of California, to the County of Yolo, State of California.

12. In November, 1953, defendant Edward Raymond Ege drove Constance Marie Bell from the City and County of San Francisco, State and Northern District of California, to the City of Barstow, State of California.

13. In November, 1953, in the City of Barstow, State of California, defendant Edward Raymond Ege took the sum of approximately \$900 from Constance Marie Bell.

14. In December, 1953, defendant Edward Raymond Ege drove Constance Marie Bell from the City of Barstow, State of California, to the City of Las Vegas, State of Nevada.

A True Bill.

/s/ D. GORDON TYNDALL,  
Foreman.

Penalty

1st count: (18 USC 2421)—Fine of not more than \$5,000 and/or five years imprisonment.

2nd count: (18 USC 371)—Fine of not more than \$10,000 and/or five years imprisonment.

Bail: \$10,000.00 each.

[Endorsed]: Filed June 15, 1955.

---

District Court of the United States, Northern  
District of California, Southern Division

At a Stated Term of the District Court of the United States for the Northern District of California, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Thursday, the 23rd day of June, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Edward P. Murphy,  
District Judge.

[Title of Cause.]

This case came on this day ex parte. John P. Sparrow, Esq., Assistant United States Attorney, was present on behalf of the United States. The defendant Joseph Boyd, alias Joe Boyd, was present in custody of the United States Marshal and with his attorney, Emmet Hagerty, Esq.

Defendant was arraigned and stated his true name as charged.

On motion of Mr. Hagerty, Ordered amount of bail for release of defendant be reduced from \$10,000 to \$5,000.

Ordered case continued to June 30, 1955, to plead.

District Court of the United States, Northern  
District of California, Southern Division

At a Stated Term of the District Court of the United States for the Northern District of California, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Thursday, the 7th day of July, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Edward P. Murphy,  
District Judge.

[Title of Cause.]

In this case John P. Sparrow, Esq., Assistant United States Attorney, was present on behalf of the United States. The defendant Joseph Boyd, alias Joe Boyd, was present with his attorney, Emmett Haggerty, Esq.

The defendant was called to plead and thereupon said defendant entered a plea of "Not Guilty" to indictment filed herein, which said plea was ordered entered.

Ordered case continued to July 14, 1955, to be set for trial.

---

District Court of the United States, Northern  
District of California, Southern Division

At a Stated Term of the District Court of the United States for the Northern District of Califor-

nia, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Friday, the 8th day of July, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Edward P. Murphy,  
District Judge.

[Title of Cause.]

This case came on regularly this day for hearing on motion to reduce bail. John P. Sparrow, Esq., Assistant United States Attorney, was present on behalf of the United States. The defendant, Edward Raymond Ege, was present on bond and with his attorney, R. A. Zarick, Esq.

On motion of Mr. Zarick and with the consent of Mr. Sparrow, Ordered that the amount of bond for appearance of defendant Edward Raymond Ege be reduced from \$10,000 to \$2,500.

Ordered case continued to July 14, 1955, for arraignment of said defendant.

---

District Court of the United States, Northern  
District of California, Southern Division

At a Stated Term of the District Court of the United States for the Northern District of California, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Thursday, the 14th day of July, in the year of our Lord one thousand nine hundred and fifty-five.



Present: The Honorable Edward P. Murphy,  
District Judge.

[Title of Cause.]

In this case defendant Edward Raymond Ege was present on bond and with his counsel. Defendant was duly arraigned upon the indictment filed herein, stated his true name to be as contained therein. Ordered case continued to August 4, 1955, for hearing on motion to dismiss Count One of indictment and for entry of plea.

Defendant Joseph Victor Bruno was present with his counsel, Robert B. McMillan, Esq., and Walter Campbell, Esq. Defendant was duly arraigned upon the indictment filed herein, stated his true name to be as charged. Ordered that Mr. Campbell's motion to reduce bail to \$5,000 be granted. Ordered case continued to August 4, 1955, for entry of plea and hearing on motion for bill of particulars.

On motion of counsel for defendant Joseph Boyd, alias Joe Boyd, who was present on bond, Ordered case continued to August 4, 1955, for hearing on motion for bill of particulars, also to be set for trial.

[Title of District Court and Cause.]

**MOTION BY DEFENDANT EDWARD RAY-  
MOND EGE TO DISMISS THE FIRST  
COUNT OF INDICTMENT**

The Defendant, Edward Raymond Ege, moves that the first count of indictment be dismissed on the following grounds:

That the indictment does not state facts sufficient to constitute an offense against the United States.

/s/ ROBERT A. ZARICK,  
Attorney for Defendant.

[Endorsed]: Filed July 15, 1955.

---

[Title of District Court and Cause.]

**MOTION FOR BILL OF PARTICULARS**

Comes Now the defendant, Joseph Victor Bruno, and respectfully moves the Court for an order requiring the United States to furnish defendant, within a time to be therein specified, a written bill of particulars as to the following matters alleged in the indictment herein:

**I.**

**First Count**

1. The name of the person described as "a woman."

2. Whether or not the woman referred to in the First Count is one of the women referred to in the Second Count and/or the overt acts thereunder.

## II.

### Second Count

1. The names of the women whom the defendants are alleged to have conspired to transport between California and Arizona.

2. The names of the women whom the defendants are alleged to have conspired to transport between California and Nevada.

3. The date and circumstances of each alleged act of transportation between California and Arizona, and California and Nevada.

4. The exact or approximate day of the month upon which each of the overt acts are alleged to have taken place.

5. The day or an approximation thereof, in October, 1953, when the defendant, Joseph Victor Bruno, allegedly drove Constance Marie Bell from Bakersfield, California, to Delano, California.

Dated: July 22, 1955.

LILLIE AND BRYANT and  
WALTER M. CAMPBELL,

By /s/ WALTER M. CAMPBELL,  
Attorneys for Defendant,  
Joseph Victor Bruno.

Affidavit of Service by Mail attached.

[Endorsed]: Filed July 23, 1955.



[Title of District Court and Cause.]

### SUBSTITUTION OF ATTORNEYS

The defendant, Edward Raymond Ege, hereby substitutes Gregory S. Stout, 400 Crocker Bldg., San Francisco, California, as his attorney in the above-entitled action.

Dated this 28th day of July, 1955.

/s/ EDWARD R. EGE.

I hereby consent to the substitution of Gregory S. Stout as attorney for defendant, Edward Raymond Ege, in the above-entitled action in my place and stead.

Dated this 1st day of Aug., 1955.

/s/ ROBERT A. ZARICK.

I agree to be substituted in the place of Robert A. Zarick, Esq., in the above-entitled action as attorney for defendant Edward Raymond Ege.

Dated this 28th day of July, 1955.

/s/ GREGORY S. STOUT.

Gregory S. Stout  
Attorney at Law  
Crocker Building  
San Francisco 4  
YUkon 2-4828

July 28, 1955.

Honorable Edward Murphy,  
Judge, United States District Court,  
Post Office Building,  
7th and Mission Streets,  
San Francisco, California.

Re: U. S. v. Ege, et al., No. 34576.

Dear Sir:

Mr. Edward Raymond Ege has retained me to represent him in the above-entitled matter. It is my understanding that Robert A. Zarick, has previously appeared for Mr. Ege.

Enclosed to be filed in these proceedings is a formal Substitution of Attorneys.

Because of summer vacation plans which had been committed for prior to my retention as attorney, I will be unable to attend Mr. Ege's arraignment which is to take place on Thursday, August 4, 1955. One of my associates, either Leslie C. Gillen, John R. Golden or James W. Halley, will appear on that date in my place.

I request that the arraignment be continued until Wednesday, August 10, 1955.

Very truly yours,

/s/ GREGORY S. STOUT.

GSS MJR

Enc.

cc: Hon. John Sparrow,

Asst. U. S. District Attorney.

[Endorsed]: Filed August 2, 1955.

---

[Title of District Court and Cause.]

## BILL OF PARTICULARS

Comes now the United States of America, through its attorneys, Lloyd H. Burke, United States Attorney for the Northern District of California, and John P. Sparrow, Assistant United States Attorney, and gives particulars as to the following matters alleged in the indictment herein.

### I.

#### First Count

1. The name of the person described as "the woman" is Constance Marie Bell.

2. The woman referred to in the first count, namely, Constance Marie Bell, is one of the women referred to in the second count and the overt acts thereunder.

### II.

#### Second Count

1. Constance Marie Bell is one of the women whom the defendants conspired to transport between California and Arizona.

2. Constance Marie Bell is one of the women whom the defendants conspired to transport between California and Nevada.

3. The approximate day of the month on which each of the overt acts are alleged to have taken place is as follows:

- (1) On or about June 15, 1953.
- (2) On or about September 15, 1953.
- (3) On or about September 15, 1953.
- (4) On or about October 13, 1953.
- (5) On or about October 20, 1953.
- (6) On or about October 22, 1953.
- (7) On or about October 22, 1953.
- (8) On or about October 25, 1953.
- (9) On or about October 27, 1953.
- (10) On or about November 5, 1953.
- (11) On or about November 10, 1953.
- (12) On or about December 7, 1953.
- (13) On or about December 20, 1953.
- (14) On or about December 22, 1953.

Dated: August 4, 1955.

LLOYD H. BURKE,  
United States Attorney;

/s/ JOHN P. SPARROW,  
Assistant United States Attorney, Attorneys for  
Plaintiff.

[Endorsed]: Filed August 4, 1955.

United States District Court for the Northern District of California, Southern Division

At a Stated Term of the United States District Court for the Northern District of California, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Thursday, the 4th day of August, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Louis E. Goodman,  
District Judge.

[Title of Cause.]

This case came on regularly this day for entry of plea. John P. Sparrow, Esq., Assistant United States Attorney, was present on behalf of the United States. The defendant, Edward Raymond Ege, was present in proper person and with James W. Haley, Esq., appearing for Gregory Stout, Esq., Attorney for defendant.

The defendant was called to plead and thereupon said defendant entered a plea of "Not Guilty" to the indictment filed herein, which said plea was ordered entered.

Bill of Particulars filed by the United States Attorney, and counsel for defendant served with copy.

No hearing held on defendant's motion to dismiss Count 1 of indictment.

Ordered case continued to September 26, 1955, for trial by jury.

United States District Court for the Northern  
District of California, Southern Division

At a Stated Term of the United States District Court for the Northern District of California, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Thursday, the 4th day of August, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Louis E. Goodman,  
District Judge.

[Title of Cause.]

This case came on regularly this day to be set for trial. John P. Sparrow, Esq., Assistant United States Attorney, was present on behalf of the United States. The defendant, Joseph Boyd, alias Joe Boyd, was present in proper person and with his attorney, Emmett Hagerty, Esq.

Bill of Particulars filed by the United States Attorney, and counsel for defendant served with copy.

Ordered case continued to September 26, 1955, for trial by jury.

---

District Court of the United States, Northern  
District of California, Southern Division

At a Stated Term of the District Court of the United States for the Northern District of California, Southern Division, held at the Courtroom



thereof, in the City and County of San Francisco, on Thursday, the 4th day of August, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Louis E. Goodman,  
District Judge.

[Title of Cause.]

This case came on regularly this day for plea, also hearing on motion for bill of particulars. John P. Sparrow, Esq., Assistant United States Attorney, was present on behalf of the United States. The defendant was present with his attorney, Robert B. McMillan, Esq.

The defendant was called to plead and thereupon entered a plea of "Not Guilty" to the indictment herein, which said plea was ordered entered.

Bill of Particulars, filed, the United States Attorney, and counsel for defendant served with copy.

Ordered case continued to September 26, 1955, for trial by jury.

---

[Title of District Court and Cause.]

NOTICE OF MOTION FOR SEPARATE TRIAL  
OF COUNTS IN INDICTMENT

To the United States of America and to Lloyd H. Burke, United States Attorney:

You Will Please Take Notice that the defendant, Joseph Boyd, will, on the 26th day of September,

1955, at the time the above-entitled matter is called for trial, move the above-entitled Court for an order pursuant to Rule 14 of the Federal Rules of Criminal Procedure to grant a separate trial on the second count of the indictment for the following reasons:

1. Count 1 charges the defendant Ege alone with the substantive offense of transporting a woman in interstate commerce for purposes of prostitution; Count 2 charges the defendants Ege, Boyd and Bruno with conspiring to transport women in interstate commerce for purposes of prostitution.

2. It would appear that the facts and the offense alleged in Count 1 are separate and apart from and were not performed in furtherance of the conspiracy alleged in Count 2 for the reason that if it were so performed, then and in that event the defendants Boyd and Bruno would have been named as principals therein by reason of having aided and abetted in the commission of the alleged offense by encouraging and advising through the medium of the alleged conspiracy.

3. That there would be admissible in evidence against the defendant Ege on the substantive count many matters which would not be admissible as against the defendants Boyd and Bruno, but which would greatly prejudice the latter despite precautionary instructions to the jury by the trial judge; among such matters, although not limited thereto, are alleged admissions, statements, and alleged acts



of the defendant Ege relative to the substantive offense and not made pursuant to the alleged conspiracy, proof of the alleged offense itself, proof of other alleged substantive offenses of a similar character, etc.

4. That the defendant Boyd would be prejudiced by the joinder for trial of the offenses alleged in said counts for said reasons.

Dated: September 21, 1955.

/s/ EMMET F. HAGERTY,  
Attorney for Defendant,  
Joseph Boyd.

[Endorsed]: Filed September 21, 1955.

---

[Title of District Court and Cause.]

MOTION FOR SEPARATE TRIAL OF  
COUNTS IN INDICTMENT

Comes now the defendant Joseph Boyd and moves the above-entitled Court for an order pursuant to Rule 14 of the Federal Rules of Criminal Procedure to grant a separate trial on the second count of the indictment.

Respectfully submitted,

/s/ EMMET F. HAGERTY,  
Attorney for Defendant,  
Joseph Boyd.

Service of copy acknowledged.

[Endorsed]: Filed September 21, 1955.

[Title of District Court and Cause.]

NOTICE OF MOTION FOR SEPARATE TRIAL  
OF COUNTS IN INDICTMENT

To the United States of America and to Lloyd H.  
Burke, United States Attorney:

You Will Please Take Notice that the defendant Joseph Victor Bruno will, on the 26th day of September, 1955, at the time the above-entitled matter is called for trial, move the above-entitled Court for an order pursuant to Rule 14 of the Federal Rules of Criminal Procedure to grant a separate trial on the second count of the indictment for the following reasons:

1. Count 1 charges the defendant Ege alone with the substantive offense of transporting a woman in interstate commerce for purposes of prostitution; Count 2 charges the defendants Ege, Boyd and Bruno with conspiring to transport women in interstate commerce for purposes of prostitution.

2. It would appear that the facts and the offense alleged in Count 1 are separate and apart from and were not performed in furtherance of the conspiracy alleged in Count 2 for the reason that if it were so performed, then and in that event the defendants Boyd and Bruno would have been named as principals therein by reason of having aided and abetted in the commission of the alleged offense by encouraging and advising through the medium of the alleged conspiracy.

3. That there would be admissible in evidence against the defendant Ege on the substantive count many matters which would not be admissible as against the defendants Boyd and Bruno, but which would greatly prejudice the latter despite precautionary instructions to the jury by the trial judge; among such matters, although not limited thereto, are alleged admissions, statements, and alleged acts of the defendant Ege relative to the substantive offense and not made pursuant to the alleged conspiracy, proof of the alleged offense itself, proof of other alleged substantive offenses of a similar character, etc.

4. That the defendant Bruno would be prejudiced by the joinder for trial of the offenses alleged in said counts for said reasons.

Dated: September 20, 1955.

LILLIE AND BRYANT and  
WALTER M. CAMPBELL,

ROBERT B. McMILLAN,  
Attorneys for Defendant  
Bruno;

/s/ WALTER M. CAMPBELL,  
By /s/ ROBERT B. McMILLAN.

Service of copy acknowledged.

[Endorsed]: Filed September 21, 1955.

[Title of District Court and Cause.]

MOTION FOR SEPARATE TRIAL OF  
COUNTS IN INDICTMENT

Comes now the defendant Joseph Victor Bruno and moves the above-entitled Court for an order pursuant to Rule 14 of the Federal Rules of Criminal Procedure to grant a separate trial on the second count of the indictment.

Respectfully submitted,

LILLIE AND BRYANT and  
WALTER M. CAMPBELL,  
ROBERT B. McMILLAN,

By /s/ ROBERT B. McMILLAN,  
Attorneys for Defendant,  
Joseph Victor Bruno.

Service of copy acknowledged.

[Endorsed]: Filed September 21, 1955.

---

United States District Court for the Northern  
District of California, Southern Division

At a Stated Term of the United States District Court for the Northern District of California, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Monday, the 26th day of September, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Edward P. Murphy,  
District Judge.

[Title of Cause.]

This case came on regularly this day for trial. John P. Sparrow, Esq., Assistant United States Attorney, was present on behalf of the United States. The defendants were present with respective counsel, Gregory Stout, Esq., for Edward Raymond Ege; Walter Campbell, Esq., and Robert B. McMillan, Esq., for Joseph Victor Bruno; and Emmet Hagerty, Esq., for Joseph Boyd, alias Joe Boyd.

In the absence of the jury, the Court heard a motion to try the counts of the indictment separately, which motion, after hearing counsel, was Ordered Denied. Motion to dismiss Count 2 also Ordered Denied.

The Court proceeded to impanel a jury as follows:

1. Deborah T. Spillane,
2. Joseph A. Nuno,
3. Mrs. Adele H. Duckett,
4. Anthony J. Conda,
5. Jerome C. Draper, Jr.,
6. Mrs. Dorothy Beesley,
7. Mrs. Alice Hawley,
8. Paul J. Keever,
9. Mrs. Melba Bernard,
10. Warne C. Marty,
11. Mrs. Matilda Kogan,
12. John R. Lai.

Mr. Sparrow made an opening statement to the Court and jury on behalf of the Government. Mr. Campbell made an opening statement on behalf of defendant Joseph Victor Bruno. The other counsel reserved their opening statements until the conclusion of the plaintiff's case.

Constance Marie Bell was sworn and testified on behalf of the Government.

The hour of adjournment having arrived, and the Court having admonished the jury, the further trial of this case was ordered continued to Tuesday, September 27, 1955, at 10:00 o'clock a.m.

---

United States District Court for the Northern  
District of California, Southern Division

At a Stated Term of the United States District Court for the Northern District of California, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Tuesday, the 27th day of September, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Edward P. Murphy,  
District Judge.

[Title of Cause.]

The parties hereto and the jury impaneled herein being present as heretofore, the further trial of this case was this day resumed.



Constance Marie Bell completed her testimony. Gene Giomi, J. W. Ellings, George W. Rathjen, Charles W. Briley, George H. Thomas, Jr., Kenneth Ward Wright, John Goldberg, John C. Moe and Ray Andress were sworn and testified on behalf of the Government. Thereupon the Government rested.

The hour of adjournment having arrived, and the Court having admonished the jury, the further trial of this case was ordered continued to Wednesday, September 28, 1955, at 10:00 o'clock a.m.

---

United States District Court for the Northern  
District of California, Southern Division

At a Stated Term of the United States District Court for the Northern District of California, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Wednesday, the 28th day of September, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Edward P. Murphy,  
District Judge.

[Title of Cause.]

In the absence of the jury, and the Government having rested, counsel for the several defendants made motions for judgments of acquittal or to dismiss as to each defendant.

Motion by Mr. Stout to elect as to Count 1 as to defendant Edward Raymond Ege was Ordered Denied.

Ordered that motions to strike certain testimony as to certain defendants will be granted in certain respects and covered in the instructions. Ordered that the motions to dismiss or for judgment of acquittal stand submitted.

The jury was returned to the Courtroom. Defendants Joseph Boyd and Joseph Victor Bruno rested their cases. Defendant Edward Raymond Ege was sworn and testified, and thereupon defendant Edward Raymond Ege rested his case.

The hour of adjournment having arrived, and the Court having admonished the jury, the further trial of this case was ordered continued to Thursday, September 29, 1955, at 10:00 o'clock a.m.

---

United States District Court for the Northern  
District of California, Southern Division

At a Stated Term of the United States District Court for the Northern District of California, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Thursday, the 29th day of September, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Edward P. Murphy,  
District Judge.



[Title of Cause.]

The parties hereto and the jury impaneled herein being present as heretofore, the further trial of this case was this day resumed.

The case was duly argued, and after instructions from the Court, the jury retired at 3:30 p.m. to deliberate upon its verdict. At 4:40 p.m. the jury returned into Court, and all jurors being present, and upon being asked if they had agreed upon a verdict, rendered the following written verdicts which were by the Court ordered filed and recorded on the minutes of the Court, and which verdicts are as follows:

“We, the Jury, find Joseph Victor Bruno, the defendant at the bar, Guilty as to Count 1.

“PAUL J. KEEVER,  
“Foreman.”

“We, the Jury, find Joseph Boyd, alias Joe Boyd, the defendant at the bar, Guilty as to Count 2.

“PAUL J. KEEVER,  
“Foreman.”

“We, the Jury, find Edward Raymond Ege, the defendant at the bar, Guilty as to Count 1; Guilty as to Count 2.

“PAUL J. KEEVER,  
“Foreman.”

Ordered that the jury be discharged from further consideration of this case and from attendance upon the Court until notified.

Motions heretofore made for verdict of acquittal  
Ordered Denied.

Ordered defendants remanded to custody of United States Marshal, case referred to Probation Officer, and continued to October 28, 1955, for judgment.

---

[Title of District Court and Cause.]

VERDICT OF THE JURY  
(Edward Raymond Ege)

We, the Jury, find Edward Raymond Ege, the defendant at the bar, Guilty as to Ct. 1; Guilty as to Ct. 2.

/s/ PAUL J. KEEVER,  
Foreman.

[Endorsed]: Filed September 29, 1955.

---

[Title of District Court and Cause.]

VERDICT OF THE JURY  
(Joseph Boyd)

We, the Jury, find Joseph Boyd, alias Joe Boyd, the defendant at the Bar, Guilty as to Ct. 2.

/s/ PAUL J. KEEVER,  
Foreman.

[Endorsed]: Filed September 29, 1955.

[Title of District Court and Cause.]

VERDICT OF THE JURY

(Joseph Victor Bruno)

We, the Jury, find Joseph Victor Bruno, the defendant at the bar, Guilty as to Ct. 2.

/s/ PAUL J. KEEVER,  
Foreman.

[Endorsed]: Filed September 29, 1955.

---

[Title of District Court and Cause.]

MOTION FOR A NEW TRIAL

To the Honorable Edward P. Murphy, Judge of the United States District Court for the Northern District of California, Southern Division, and to the Clerk Thereof; and to the Above-Named Plaintiff, and to Lloyd Burke, United States District Attorney, and to John Sparrow, Assistant United States District Attorney:

You and Each of You Will Please Take Notice that the above-named defendant, Edward Raymond Ege, will move the above-entitled Court to vacate and set aside the verdict of the jury heretofore rendered in the above-entitled action, and any judgment entered thereon, and to grant a new trial in the above-entitled action upon the following grounds:

1. The court erred in denying defendant Ege's motion for acquittal made at the conclusion of the evidence.

2. The verdict is contrary to and not supported by substantial evidence.

3. The court erred in refusing to exclude persons summoned by United States of America as witnesses during the course of the testimony of other witnesses.

4. The court erred in sustaining and overruling objections to questions addressed to the witness Constance Marie Bell.

5. The court erred in refusing to instruct the jury that the testimony of the witnesses John C. Moe and Ray M. Andress was not binding upon the defendant Ege.

6. The court erred in refusing to limit the effect upon defendant Ege of the testimony of the witnesses George H. Thomas, Jr., Kenneth Ward Wright, J. W. Ellingson, George W. Rathjen and Charles W. Briley.

7. The court erred in charging and refusing to charge the jury as requested.

8. The court erred when it refused defendant Ege's motion for a special verdict upon each of the overt acts set forth in the Indictment.

9. Defendant Ege was substantially prejudiced and deprived of a fair trial by reason of the misconduct of the court in that said court demeaned and was openly contemptuous of counsel all in the presence of the jury the effect of which could only have

indicated to the jury that the court believed defendant Ege to be guilty of the charges.

Dated this 3rd day of October, 1955.

/s/ GREGORY S. STOUT,  
Attorney for Defendant,  
Edward Raymond Ege.

Service of copy acknowledged.

[Endorsed]: Filed October 4, 1955.

---

[Title of District Court and Cause.]

### MOTION FOR A NEW TRIAL

To the Honorable Edward P. Murphy, Judge of the United States District Court for the Northern District of California, Southern Division, and to the Clerk Thereof; and to the Above-Named Plaintiff, and to Lloyd Burke, United States District Attorney, and to John Sparrow, Assistant United States District Attorney:

You and Each of You Will Please Take Notice that the above-named defendant, Joseph Boyd, will move the above-entitled Court to vacate and set aside the verdict of the jury heretofore rendered in the above-entitled action, and any judgment entered thereon, and to grant a new trial in the above-entitled action upon the following grounds:

1. The Court erred in denying defendant Boyd's motion for judgment of acquittal made at the conclusion of the Government's case, and for judgment notwithstanding the verdict made after the return of the verdict.



2. The verdict is contrary to and not supported by substantial evidence.

3. The Court erred in refusing to exclude persons summoned by United States of America as witnesses during the course of the testimony of other witnesses.

4. The Court erred in sustaining and overruling objections to questions addressed to the witness Constance Marie Bell.

5. The Court erred in refusing to limit the effect upon defendant Boyd of the testimony of the witness Kenneth Ward Wright.

6. The Court erred when it refused defendant Boyd's motion for special findings by the jury upon each of the overt acts set forth in the Indictment.

Dated this 3rd day of October, 1955.

/s/ EMMET F. HAGERTY,  
Attorney for Defendant,  
Joseph Boyd.

Service of copy acknowledged.

[Endorsed]: Filed October 4, 1955.

---

[Title of District Court and Cause.]

### MOTION FOR NEW TRIAL

The defendant, Joseph Victor Bruno, moves the Court for a new trial for the following reasons:



1. The Court erred in denying said defendant's motion for judgment of acquittal, made at the close of Plaintiff's case in chief.

2. The Court erred in denying said defendant's motion for judgment of Acquittal, made at the close of all of the evidence in the case.

3. The Court erred in denying said defendant's motion for judgment of acquittal, renewed after the verdict and the discharge of the jury.

4. The verdict is contrary to the weight of the evidence.

5. The verdict is not supported by substantial evidence.

6. The evidence is insufficient to establish the existence of the alleged conspiracy as set forth in count two of the indictment.

7. The evidence is insufficient to establish that said defendant Bruno became a party to the alleged conspiracy.

8. The Court erred in refusing to exclude witnesses from the courtroom and in permitting material witnesses for the United States to remain within the courtroom during the trial of the cause.

9. The Court erred in denying the motions of defendant Bruno to strike the testimony of witnesses John C. Moe and Ray M. Andress, as not binding on him, since same was hearsay, statements made outside the presence of said defendant Bruno, made after the termination of the alleged conspiracy

and not in furtherance thereof; and in refusing to instruct the jury accordingly.

10. The Court erred in refusing to limit the effect upon said defendant Bruno of the testimony of witnesses George H. Thomas, Jr., Kenneth Ward Wright, J. W. Ellingson, George W. Rathjen and Charles W. Briley.

11. The Court erred in charging, and in refusing to charge as requested, the jury, relative to limiting and restricting the testimony of the witnesses named in foregoing specifications 9 and 10.

12. The Court erred in refusing defendant Bruno's motion for a special verdict upon each of the overt acts set forth in the indictment.

13. That there was a fatal variance between the proof, the indictment and the bill of particulars.

14. The Court erred in denying the motion of defendant Bruno to grant a separate trial on the second count of the indictment.

Dated October 4, 1955.

LILLIE AND BRYANT and  
WALTER M. CAMPBELL,  
ROBERT B. McMILLAN,

By /s/ ROBERT B. McMILLAN,  
Attorneys for Defendant,  
Joseph Victor Bruno.

[Endorsed]: Filed October 4, 1955.

Receipt of copy acknowledged.

United States District Court for the Northern  
District of California, Southern Division

At a Stated Term of the United States District Court for the Northern District of California, Southern Division, held at the Courtroom thereof, in the City and County of San Francisco, on Friday, the 28th day of October, in the year of our Lord one thousand nine hundred and fifty-five.

Present: The Honorable Edward P. Murphy,  
District Judge.

[Title of Cause.]

This case came on regularly this day for hearing on motions for new trial and pronouncing of judgment. John P. Sparrow, Esq., Assistant United States Attorney, was present on behalf of the United States. The defendants were present with counsel.

After hearing Walter Campbell, Esq., on behalf of defendant Joseph Victor Bruno, regarding motion for new trial, and the same motion being submitted without argument as to defendants Edward Raymond Ege and Joseph Boyd, Ordered that said motions for new trial be, and each is hereby, Denied. Oral motions in arrest of judgment as to each defendant were submitted and Ordered Denied.

The defendants were called for judgment. The Court having asked the defendants whether they have anything to say why judgment should not be

pronounced, and no sufficient cause to the contrary being shown or appearing to the Court, It is Adjudged that defendants are guilty as charged and convicted.

It Is Adjudged that the defendant Edward Raymond Ege is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of:

Count 1—Five (5) Years.

Count 2—Five (5) Years.

Further Ordered that said term of imprisonment imposed on Count 2 run from and after the Expiration of term of imprisonment as to Count 1 of indictment.

Total Imprisonment—Ten (10) Years.

The Court recommends commitment to a hospital type institution to be designated by U. S. Attorney General.

It Is Adjudged that the defendant Joseph Boyd, alias Joe Boyd, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Five (5) Years on Count 2 of indictment.

The Court recommends commitment to an institution to be designated by U. S. Attorney General.

It Is Adjudged that the defendant Joseph Victor Bruno is hereby committed to the custody of the At-

torney General or his authorized representative for imprisonment for a period of Five (5) Years on Count 2 of indictment.

The Court recommends commitment to an institution to be designated by U. S. Attorney General.

Ordered that judgment be entered herein as to each defendant accordingly.

Counsel for defendants filed motions for stay of execution of judgment, which stay was Ordered Denied.

Counsel for defendants made a motion for release of defendants on bail pending appeal as to each defendant, which motion was Ordered Denied.

---

[Title of District Court and Cause.]

### MOTION IN ARREST OF JUDGMENT

The defendant, Joseph Victor Bruno, moves the Court to arrest judgment herein and not pronounce the same for the following reasons:

1. That the indictment, count two thereof, does not state facts sufficient to constitute an offense against the laws of the United States.

2. That the indictment, count two thereof, is not sufficient in form or substance to enable this defendant to plead the judgment in bar of another prosecution for the same offense.



Dated October 28, 1955.

LILLIE AND BRYANT and  
WALTER M. CAMPBELL,  
ROBERT B. McMILLAN,

By /s/ WALTER M. CAMPBELL,  
Attorneys for Defendant,  
Joseph Victor Bruno.

[Endorsed]: Filed October 28, 1955.

---

[Title of District Court and Cause.]

### NOTICE OF APPEAL

Name and address of appellant:

JOSEPH BOYD,  
81 Ina Court,  
San Francisco, Calif.

Name and address of appellant's attorney:

EMMET F. HAGERTY, ESQ.,  
1106 Central Tower,  
703 Market Street,  
San Francisco, Calif.

Offense: Violation of Title 18 U.S.C., Section 2421—Interstate Transportation of Female for Immoral Purposes; and Title 18 U.S.C., Section 371—Conspiring to violate Title 18 U.S.C., Section 2421.

Found guilty on Second Count (Title 18 U.S.C., Section 371).



Sentenced: October 28, 1955.

Name of institution where now confined: County Jail, One Dunbar Lane, San Francisco, California.

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the above-stated judgment.

Pursuant to Rule 38 (a) (2), Federal Rules of Criminal Procedure, we hereby serve notice that we do not elect to enter upon the service of the sentence pending appeal.

Dated: Oct. 28, 1955.

/s/ JOSEPH BOYD.

EMMET F. HAGERTY,

Attorney for Defendant and  
Appellant.

Certified true copy.

[Endorsed]: Filed October 28, 1955.

---

[Title of District Court and Cause.]

### NOTICE OF APPEAL

Name and address of Appellant:

JOSEPH VICTOR BRUNO,  
1141 Roosevelt,  
Monterey, California.

Names and addresses of Appellant's attorneys:

LILLIE AND BRYANT, and  
WALTER M. CAMPBELL,  
668 South Bonnie Brae Street,  
Los Angeles 57, California.

ROBERT B. McMILLAN,  
625 Market Street,  
San Francisco 5, California.

Offense: 18 U. S. Code, Section 371, Conspiracy to  
Violate 18 U. S. Code, Section 2421.

Concise statement of Judgment or Order giving date  
of any sentence: Oct. 28, 1955. Said defendant  
adjudged Guilty Count 2 of Indictment; sen-  
tenced to imprisonment for 5 years.

Name of institution where now confined, if not on  
bail: County Jail, San Francisco, California.

I, the above-named appellant, hereby appeal to  
the United States Court of Appeals for the Ninth  
Circuit from the judgment above mentioned.

Dated October 28, 1955.

/s/ JOSEPH VICTOR BRUNO,  
Appellant.

Certified true copy.

[Endorsed]: Filed October 28, 1955.

[Title of District Court and Cause.]

## STAYS OF EXECUTION

Defendants above named on October 28, 1955, were sentenced by Edward P. Murphy, Judge of the United States District Court for the Northern District of California, Southern Division, to serve 10 and 5 years, respectively, in a Federal Penal Institution.

On October 28, 1955, pursuant to Rule 37 of the Federal Rules of Criminal Procedure defendants filed Notice pending determination of their motion for bail upon appeal defendants elect not to commence service of their sentences.

Dated this 28th day of October, 1955.

/s/ EDWARD R. EGE.

/s/ GREGORY S. STOUT,  
Attorney for Edward Raymond Ege.

/s/ JOSEPH BOYD.

/s/ EMMET F. HAGERTY,  
Attorney for Joseph Boyd.

[Endorsed]: Filed October 28, 1955.

[Title of District Court and Cause.]

REQUEST FOR QUESTIONS TO BE PRO-  
POUNDED ON VOIR DIRE EXAMINA-  
TION OF JURORS

On behalf of the defendant Joseph Victor Bruno it is respectfully requested that the following questions be propounded to each prospective juror individually by the Court:

(1) What is your occupation?

(a) (If juror is retired.) What was your former occupation?

(b) (If juror is a housewife or widow.) What is (was) your husband's occupation?

(2) Do you have any near relatives or close friends employed by the Government, other than in the Armed Forces?

(a) If so, state their relationship to you and the nature of their Government employment.

(3) Is the nature of the charge contained in the indictment—that is, the charge that these defendants conspired to transport women between California and Arizona, and California and Nevada for purposes of prostitution—such as to bias or prejudice you against the defendants before hearing any evidence in the case?

(4) Is there anything in your personal religious or moral beliefs which would not enable you to give

these defendants a fair trial; that is, listening impartially to all the evidence presented both for and against the defendants and applying the rules of law as given to you by the Court before coming to any conclusion as to the guilt or innocence of each of the defendants?

(5) Searching your consciences carefully, would you be willing to accept a juror in the same frame of mind as yourself, if you were in the position of any of these defendants charged with the crime of which they are charged? If you have the slightest doubt in this regard, do not hesitate to make it known, in justice and fairness to the defendants.

(6) While it is your duty to weigh the evidence and determine the facts, the Court is the sole judge of the law as it may apply to this case, and the Court will instruct you from time to time and at the conclusion of the evidence of the rules of law which you are to apply to the evidence. Are you willing to accept and follow the Court's instructions as to the law, even though they may conflict with some preconceived ideas you may have of what the law is or should be?

(7) Bearing in mind the nature of the charge and the questions propounded to you, and knowing your own frame of mind and conscience, if for any reason whatsoever you feel you cannot serve impartially both as to the Government and as to these defendants, please indicate by raising your hand and you will be excused without further questioning.

Respectfully submitted,

LILLIE AND BRYANT and  
WALTER M. CAMPBELL,  
ROBERT B. McMILLAN,

By /s/ WALTER M. CAMPBELL,  
Attorneys for Defendant,  
Joseph Victor Bruno.

[Endorsed]: Filed October 28, 1955.

---

[Title of District Court and Cause.]

NOTICE OF APPEAL  
(Criminal Action)

Edward Raymond Ege, San Francisco, California.

Gregory S. Stout, 400 Crocker Building, San Francisco, California, attorney for defendant Edward Raymond Ege.

Joseph Boyd, alias Joe Boyd, San Francisco, California.

Emmet Hagerty, 703 Market Street, San Francisco, California, attorney for defendant Joseph Boyd, alias Joe Boyd.

As to defendant Edward Raymond Ege, Violation of 18 U.S.C., Sections 2421 and 371.

As to defendant Joseph Boyd, alias Joe Boyd, Violation of 18 U.S.C., Section 371.



Judgment: As to Edward Raymond Ege, .....  
years imprisonment on Count I of the indictment charging violation of 18 U.S.C., Section 2421, and \$. . . . . fine; ..... years imprisonment on Count II of the indictment charging violation of 18 U.S.C., Section 371, and \$. . . . . fine, which sentence is con. . . . to the sentence imposed in Count I.

As to defendant Joseph Boyd, alias Joe Boyd, ..... years imprisonment on Count II of the indictment charging violation of 18 U.S.C., Section 371, and \$. . . . . fine.

Appellants are federal prisoners in County Jail No. 1, San Francisco, California.

We, the above-named appellants, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the above-named judgment.

Dated this 28th day of October, 1955.

/s/ EDWARD RAYMOND EGE.

/s/ GREGORY S. STOUT,

Attorney for Edward Raymond Ege.

/s/ JOSEPH BOYD.

/s/ EMMET F. HAGERTY,

Attorney for Joseph Boyd.

Certified true copy.

[Endorsed]: Filed October 31, 1955.

United States District Court for the Northern  
District of California, Southern Division

No. 34576

UNITED STATES OF AMERICA,

vs.

EDWARD RAYMOND EGE.

JUDGMENT AND COMMITMENT

On this 28th day of October, 1955, came the attorney for the government and the defendant appeared in person and with counsel.

It Is Adjudged that the defendant has been convicted upon his plea of not guilty and a verdict of guilty of the offense of following violations:

Count 1—Title 18, United States Code, Sec. 2421.

(Defendant Edward Raymond Ege on or about October 17, 1953, at San Francisco, California, did knowingly transport in interstate commerce, to wit, from San Francisco, California, to Scottsdale, Arizona, a woman for purpose of prostitution.)

Count 2—Title 18, United States Code, Sec. 371  
—Conspiracy,

(Said defendant, et al., conspired to transport women between California & Arizona, and California and Nevada, for purpose of prostitution.)

as charged in Counts 1 & 2 of indictment; and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 1—Five (5) Years;

Count 2—Five (5) Years.

Further Ordered that said term of imprisonment imposed on Count 2 run from and after the Expiration of term of imprisonment as to Count 1 of indictment.

Total Imprisonment—Ten (10) Years.

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ EDWARD P. MURPHY,

United States District Judge.

The Court recommends commitment to a hospital type institution to be designated by U. S. Attorney General.

C. W. CALBREATH,  
Clerk.

Examined By:

/s/ JOHN P. SPARROW,  
Assistant U. S. Attorney.

[Endorsed]: Filed November 1, 1955.

Entered November 4, 1955.

---

United States District Court for the Northern  
District of California, Southern Division

No. 34576

UNITED STATES OF AMERICA,

vs.

JOSEPH BOYD, Alias JOE BOYD.

### JUDGMENT AND COMMITMENT

On this 28th day of October, 1955, came the attorney for the government and the defendant appeared in person and with counsel.

It Is Adjudged that the defendant has been convicted upon his plea of not guilty and a Verdict of Guilty of the offense of violation of Title 18, United States Code, Section 371—Conspiracy,

(Defendant Joseph Boyd, alias Joe Boyd, et al., conspired to transport women between California & Arizona, and California and Nevada, for the purpose of prostitution. In furtherance of said conspiracy and to effect the objects

thereof, said defendant did certain overt acts in June, 1953, at San Francisco, California, & at various other times and places.)

as charged in Count 2 of indictment; and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of—

Five (5) Years on Count 2 of indictment.

(Indictment—2 counts. Defendant not named in Count 1.)

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ EDWARD P. MURPHY,  
United States District Judge.

The Court recommends commitment to an institution to be designated by U. S. Attorney General.

C. W. CALBREATH,  
Clerk.

Examined by:

/s/ JOHN P. SPARROW,  
Assistant U. S. Attorney.

[Endorsed]: Filed November 1, 1955.

Entered November 4, 1955.

---

United States District Court for the Northern  
District of California, Southern Division

No. 34576

UNITED STATES OF AMERICA,

vs.

JOSEPH VICTOR BRUNO.

### JUDGMENT AND COMMITMENT

On this 28th day of October, 1955, came the attorney for the government and the defendant appeared in person and with counsel.

It Is Adjudged that the defendant has been convicted upon his plea of not guilty and a verdict of guilty of the offense of violation of Title 18, United States Code, Sec. 371—Conspiracy,

(Defendant Joseph Victor Bruno, et al., conspired to transport women between California & Arizona, and California and Nevada, for purpose of prostitution. In furtherance of said



conspiracy and to effect the objects thereof, said defendant did certain overt acts in October, 1953, at San Francisco, California.)

as charged in Count 2 of indictment; and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Five (5) Years on Count 2 of indictment.

(Indictment—2 counts. Defendant not named in Count 1.)

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ EDWARD P. MURPHY,  
United States District Judge.

The Court recommends commitment to an institution to be designated by U. S. Attorney General.

C. W. CALBREATH,  
Clerk.

Examined by:

/s/ JOHN P. SPARROW,  
Assistant U. S. Attorney.

[Endorsed]: Filed November 1, 1955.

Entered November 4, 1955.

---

[Title of District Court and Cause.]

AMENDED NOTICE OF APPEAL

Name and address of appellant: Joseph Boyd, 81  
Ina Court, San Francisco, Calif.

Name and address of appellant's attorney: Emmet  
F. Hagerty, Esq., 1106 Central Tower, 703  
Market Street, San Francisco, Calif.

Offense: Violation of Title 18, U.S.C., Section 2421  
—Interstate Transportation of Female for Im-  
moral Purposes; and Title 18 U.S.C. Section  
371—Conspiring to violate Title 18 U.S.C. Sec-  
tion 2421.

Found guilty on Second Count (Title 18 U.S.C.  
Section 371).

Sentenced: October 28, 1955.

Name of institution where now confined: County  
Jail, One Dunbar Lane, San Francisco, Cali-  
fornia.

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the above-stated judgment.

Dated: November, 1955.

JOSEPH BOYD.

EMMET F. HAGERTY,  
Attorney for Defendant and  
Appellant.

Certified true copy.

[Endorsed]: Filed November 1, 1955.

---

United States Court of Appeals  
for the Ninth Circuit

EDWARD R. EGE, JOSEPH B. BOYD and  
JOSEPH BRUNO,

Appellants,

vs.

UNITED STATES OF AMERICA,

Appellee.

MOTION FOR BAIL

Before: Denman, Chief Judge, and Bone and  
Pope, Circuit Judges.

Per Curiam:

Ege, Boyd and Bruno apply for bail pending appeal. Ege was convicted of violating 18 U.S.C.

§2421, transporting a woman in interstate commerce for purposes of prostitution. Ege, Boyd and Bruno were convicted of violating 18 U.S.C. §371 by conspiring to transport women for such purposes.

There is a substantial question, as required by F. R. Crim. P. 46 (a) (2), justifying bail in Bruno's case. There was no direct evidence to show he knew of the interstate transportation here involved, and it is questionable whether he is bound by Ege's actions in procuring prostitutes from out of state.

Ege and Boyd have not presented substantial questions justifying bail pending appeal.

Bruno is ordered released on bail in the sum of \$10,000 conditioned upon the requirements of our practice. Ege and Boyd's motions for bail are denied.

WILLIAM DENMAN,  
Chief Judge.

WALTER L. POPE,  
Circuit Judge.

A True Copy.

[Endorsed]: Filed November 17, 1955.

The United States District Court, Northern District  
of California, Southern Division

No. 34576

Before: Hon. Edward P. Murphy, Judge.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD RAYMOND EGE, JOSEPH BOYD,  
Alias JOE BOYD, and JOE VICTOR BRUNO,

Defendants.

REPORTER'S TRANSCRIPT

Monday, September 26, 1955

Appearances:

For the Government:

LLOYD H. BURKE,  
U. S. Attorney, by  
JOHN P. SPARROW,  
Asst. U. S. Attorney.

For the Defendants:

Defendant Ege,  
GREGORY S. STOUT, ESQ.,  
Defendant Boyd,  
EMMET F. HAGERTY, ESQ.,  
Defendant Bruno,  
WALTER CAMPBELL, ESQ., and  
ROBERT B. McMILLAN, ESQ.

The Clerk: United States of America vs. Edward Raymond Ege, Joseph Boyd and Joe Victor Bruno.

(Motion made on behalf of the defendants for separation of two counts of the indictment for trial; motions denied.)

(The jury was duly empaneled and sworn.)

(Opening statements made on behalf of the government and the defendant Bruno.)

CONSTANCE MARIE BELL

called as a witness on behalf of the government, sworn.

The Clerk: Please state your name to the Court and jury.

A. Constance Marie Bell.

Direct Examination

By Mr. Sparrow:

Q. Is that the name under which you were born?

A. Yes.

Q. And can you tell us where you were born?

A. San Diego.

Q. What year? A. 1934.

Q. How long did you live in San Diego?

A. A few years.

Q. You say you lived a few years in San Diego?

A. Yes, sir. [3\*]

Q. And after that where did you go?

A. San Francisco.

---

\*Page numbering appearing at top of page of original Reporter's Transcript of Record.



(Testimony of Constance Marie Bell.)

Q. Do you have any brothers or sisters?

A. Yes.

Q. How many brothers and sisters?

A. One brother and one sister.

Q. How do you stand agewise with them?

A. I am the oldest.

Q. You moved to San Francisco, you stated, two or three years after you were born, is that right?

A. Yes.

Q. And did you live with your parents or did you live somewhere else from that time on?

A. Part of the time with my parents and the rest of the time with other people.

The Court: You will have to speak louder.

Q. Part of the time with my parents and then the rest—I mean, with other people.

Q. (By Mr. Sparrow): By “other people” you mean you were in foster homes? A. Yes.

Q. About when did you enter a foster home, do you remember?

A. When I was about seven or eight.

Q. And thereafter how many years did you stay in a foster home? [4] A. Until I was 18.

Q. And during that period were you in one or more than one foster home?

A. I was in more than one.

Q. And during that period of time from 7 until 18 did you spend all or the greater portion of your time in San Francisco or did you spend it somewhere else? A. I spent it here, or mostly here.

Q. Mostly here. Where other than San Fran-

(Testimony of Constance Marie Bell.)

cisco can you remember spending any time in foster homes between 7 and 18?

A. In Oakland and Petaluma.

Q. About how long were you in each?

A. About six months.

Q. Six months each. So with those exceptions you have lived in San Francisco, is that correct, since you were about two or three years—since you were two or three years old? A. Yes.

Q. How many years of schooling did you complete, Connie?

Mr. Campbell: Objected to as immaterial.

The Court: Overruled.

A. Nine years.

Q. (By Mr. Sparrow): Nine years. And upon leaving school, after nine years, what did you do?

A. I went to work for California Physicians' Service.

Q. And about how old were you at that time? [5]

A. 17.

Q. And how long did you work for the California Physicians' Service?

A. About a year and a half.

Q. In what capacity? A. As a clerk.

Q. After that where did you work, if any place?

A. For the Wall Street Journal.

Q. In what capacity did you work there?

A. A typist-clerk.

Q. And did you work any place after the Wall Street Journal?

A. I worked at Hastings Department Store.

(Testimony of Constance Marie Bell.)

Mr. Campbell: Could you speak louder?

The Court: She worked at Hastings Department store.

Q. (By Mr. Sparrow): And thereafter where did you go, Connie?

A. I went—and I went to the Dance Follies.

Q. Beg your pardon?

A. I went to the Dance Follies.

Q. You went to the Dance Follies. Was that a school or——

A. No, it was a burlesque follies.

Q. Beg your pardon?

A. Burlesque Follies.

Q. Where is that?

A. Here in San Francisco.

Q. Was it while you were working there that you first met the [6] defendant Ege? A. Yes.

Q. And did you meet him there at the burlesque or some place else?

A. Met him some place else.

Q. Where was that? A. Sarong Club.

Q. Where was that, if you recall?

A. It's on Geary Street, I think.

Q. In San Francisco? A. Yes.

Q. How did you happen to meet the defendant Ege?

A. Well, this girl that was working there at the Follies knew him.

Q. And she introduced you, did she?

A. Yes.

(Testimony of Constance Marie Bell.)

Q. And what happened thereafter, as far as you and Ege are concerned?

Mr. Campbell: I am going to object, so far as the defendant Bruno is concerned.

The Court: Overruled. Let's establish the pattern here. I am going to allow all of this evidence in against all defendants. At the proper time you may make your motion and I will rule accordingly.

Mr. Campbell: Very well. [7]

Q. (By Mr. Sparrow): What happened between you and Ege after that meeting in the Sarong Club? Where did you go, and do, if anything?

A. We went out to his house.

Q. And where was that?

A. On Monterey Boulevard.

Q. In San Francisco? A. Yes.

Q. And was that on the occasion right after your initial meeting with him at the Sarong Club?

A. Yes.

Q. What happened out at Ege's house on Monterey Boulevard? Did you have any conversations with him?

Mr. Stout: Objected to as leading and suggestive.

The Court: Overruled.

A. Yes.

Q. (By Mr. Sparrow): What were those conversations about?

A. Oh, about—about the racket.

Q. About what?

The Court: About "the racket."

(Testimony of Constance Marie Bell.)

A. About the racket.

Mr. Stout: Move to strike, Your Honor, as the opinion and conclusion.

The Court: Overruled.

Mr. Campbell: If Your Honor please, may it be understood [8] that my objection is running to all of this line of testimony?

The Court: So understood.

“About the racket,” she said. What do you mean by “racket?”

Q. (By Mr. Sparrow): What do you mean by “racket”? A. Well——

Mr. Stout: That’s incompetent, irrelevant and immaterial.

The Court: Overruled. What do you mean by “racket”? Do you mean prostitution?

A. Prostitution.

The Court: All right.

Q. (By Mr. Sparrow): Could you state to the jury the substance of the conversation that he held with you about the subject of prostitution?

A. Oh, about the way it was run and how much they made.

Mr. Hagerty: Your Honor, might I make this objection at this time, following that of Mr. Campbell’s, that we would object that the corpus has not yet been established as to the conspiracy and we would like to enter an objection as to all the conversations this witness may have had with the co-defendant Ege as having no bearing, being incompetent, irrelevant, immaterial as to the defendant Joseph Boyd.



(Testimony of Constance Marie Bell.)

The Court: Overruled. As I have previously indicated in my remarks to Mr. Campbell, at a subsequent time which I consider appropriate I will take all of this evidence together [9] and try to sift the wheat from the chaff, if it becomes necessary.

Mr. Hagerty: That is what I meant, that our objection go——

The Court: Your objection has been stated adequately for the record. Now we will take an adjournment at this time, ladies and gentlemen, until two o'clock this afternoon.

(Statutory admonition to the jury.)

(Whereupon, an adjournment was taken until 2:00 p.m. this date.) [10]

Monday, September 26, 1955, at 2 P.M.

The Court: Proceed.

Q. (By Mr. Sparrow): Connie, at the recess we left off with——

The Court: Her name is not Connie. Her name is Constance Marie Bell. You will address her in that fashion.

Q. (By Mr. Sparrow): Miss Bell, at the recess—I'm sorry, Your Honor—we left off with your being out with Ege at 395 Monterey Boulevard in San Francisco. Is that correct? A. Yes.

Q. And you had a conversation at the defendant Ege's place at that time, did you?

A. Yes.



(Testimony of Constance Marie Bell.)

Q. And could you tell us in substance what that conversation was about?      A. Well——

Mr. Campbell: It is understood our objection is running to all of this?

The Court: It will be so understood.

Mr. Stout: Actually I can't hear.

The Court: You will have to speak louder.

Mr. Stout: I have to guess.

The Court: You will have to speak louder, Miss Bell.

Mr. Stout: Thank you, Your Honor.

Q. (By Mr. Sparrow): Did you have a discussion about [11] prostitution?      A. Yes.

Mr. Stout: Objected to as leading and suggestive.

The Court: Overruled.

A. It was about prostitution and the money and——

Q. (By Mr. Sparrow): Did he say what he wanted you to do, if anything?

Mr. Stout: Same objection, leading and suggestive.

The Court: Sustained.

A. Yes. Work as a prostitute.

Mr. Stout: Pardon me, I can't hear the witness, Your Honor.

The Court: Will you repeat that. I didn't hear it, either.

A. Work as a prostitute——

Mr. Stout: I thought the objection was sustained. I think she is answering the question to

(Testimony of Constance Marie Bell.)

which I had an objection and Your Honor sustained the objection.

The Court: All right, put another question.

Q. (By Mr. Sparrow): There was a discussion about prostitution, is that correct? A. Yes.

Q. Could you tell us in substance what that was, what you said and what he said?

A. Well, I didn't know anything about it and he told me about [12] how much you got for it and different places that you work in and how the money was split in different places and bringing home your money.

Q. Bring home your money; what did he say about that? A. Bring it home to him.

The Court: What?

Mr. Stout: I'm sorry, I can't hear.

A. Bring it home to him.

Q. (By Mr. Sparrow): Bring it home to him. Did he discuss with you the way in which the money was to be split?

Mr. Stout: Objected to as leading and suggestive.

The Court: Sustained upon that ground. Just tell us what the conversation was now, Miss Bell. You tell us what he said to you, the best you can, and what you said to him. Can you do that now fairly loudly so that everyone can hear you?

A. I told you, just about how that business was run, and how the houses would take half and you get the other half, and the different places, how

(Testimony of Constance Marie Bell.)

much they made, and the life in the racket, about nice places and nice clothes and different things.

Q. (By Mr. Sparrow): Was there anyone else there at the house at that time that you recall?

A. Well, this girl that introduced me to him was there.

Q. She was there?

The Court: By "him" you are referring to whom?

A. Eddie Ege. [13]

Q. (By Mr. Sparrow): Eddie Ege?

A. Yes.

Q. How long did you stay at the defendant Ege's house at that time?

A. About a week or so.

Q. What did you and Ege do during that week, if anything?

A. We went out different places to eat and went to a movie.

Mr. Stout: Sorry, I can't hear.

The Court: Went out to different places to eat and went to a movie.

A. And, I forget, just going out.

Q. (By Mr. Sparrow): Did he after that first night have any further discussions with you about prostitution?

A. Yes.

Q. What happened after the week about which you said you spent at Ege's house?

A. What happened after?

Q. Yes.

A. Well, there was this place in Folsom that he had opened up. I went there to work.

(Testimony of Constance Marie Bell.)

Mr. Stout: Move it be stricken as the opinion and conclusion of the witness, facts not in evidence.

The Court: Objection sustained.

Q. (By Mr. Sparrow): Where did he take you, if any place, after that week? [14]

A. I went up to Folsom and I went with this other girl, and——

Q. Where did you go? Did you go to Folsom?

A. Yes.

Mr. Stout: Objected to as leading and suggestive.

The Court: Overruled.

Q. (By Mr. Sparrow): Where did you go at Folsom?

A. To Folsom; I don't know the address, at the place, but it was down by the railroad tracks.

Q. What sort of a place was it?

A. It was a kind—kind of—I don't know—it was a big place that was meant for a rooming house, I guess.

Q. Did you have any discussion with the defendant Ege as to whose place that was?

Mr. Stout: Same objection, leading and suggestive.

The Court: Overruled.

Q. (By Mr. Sparrow): Did you?

A. Yes, I did.

Q. What did he say, if anything?

A. Well, Eddie said that he had bought this place from—I'm not quite sure if it was from this old lady that lived over on the other side, or what.

(Testimony of Constance Marie Bell.)

Q. So he told you that it was his place, is that right?      A. Yes, but he couldn't be in town.

Q. What?      A. He couldn't be in town. [15]

Mr. Stout: I didn't hear that.

The Court: "He couldn't be in town."

Q. (By Mr. Sparrow): What sort of activities if any went on in this place in Folsom?

A. Prostitution.

Q. It was a place of prostitution, is that right?

A. (Witness nods head.)

Q. How long did you stay there, if you did?

A. Oh, it was a week or a few days more than a week.

Q. And during that time did you engage in acts of prostitution?      A. Yes.

Q. And what if anything did you do with the money which you earned, if you did earn money?

A. Eddie got it.

Q. You gave it to him?

A. (Witness nods head.) Well, I never got it. That first place, I never got any.

Mr. Stout: May I have that answer read back, and the preceding question, Your Honor?

(Question and answer read by reporter.)

Mr. Stout: Ask that the answer be stricken as non-responsive.

The Court: Motion denied.

Mr. Stout: Also objected to as the opinion and conclusion.

The Court: Overruled. [16]



(Testimony of Constance Marie Bell.)

Q. (By Mr. Sparrow): Do you remember about when this was, Connie?

A. It was probably in the latter part of September.

Q. 1953? A. Yes.

Q. What happened, you testified that you stayed at Folsom about a week or so, what happened thereafter?

A. I left. Eddie came and took me.

Q. And where did he take you?

A. Back to Monterey Boulevard.

Q. And how did he take you?

A. In his car.

Q. What sort of a car? A. A Cadillac.

Q. What did you do after returning to Monterey Boulevard?

A. Oh, I stayed there for a while, and while they hunted for a job for me.

Mr. Stout: I didn't hear that.

The Court: "Stayed there for a while, while they hunted for a job for me."

Mr. Stout: Objected to as assuming facts not in evidence.

The Court: Overruled.

Q. (By Mr. Sparrow): Did the defendant Ege arrange for a job for you?

Mr. Stout: Objected to as leading and suggestive. [17]

The Court: Overruled.

Q. (By Mr. Sparrow): Did Ege arrange for a job for you?



(Testimony of Constance Marie Bell.)

A. Well, he was going about it. He finally found one for me, yes.

The Court: I didn't hear you.

A. He got one for me.

Q. And where did he say that job was?

A. In Phoenix.

Q. Did you have any discussion with him as to how you were going to get down there?

A. Well, this other girl was going down and he said we could go down together and share the expense.

Q. Who was this other girl?

A. I knew her as Judy.

Q. Do you remember her last name?

A. Berg.

Q. Did you go down to Phoenix with Judy Berg?

A. Yes, I did.

Mr. Campbell: May I have the last question propounded by counsel read back by the reporter?

The Court: "Did you go down to Phoenix with Judy Berg?"

Mr. Campbell: Judy Berg—I had understood him to say Jean.

Mr. Sparrow: Judy. [18]

Q. Did you have any discussion with the defendant Ege regarding the expenses of the trip and about how much they would be and what if anything was to be done about sharing them?

Mr. Stout: Objected to as leading and suggestive.

The Court: Overruled.

(Testimony of Constance Marie Bell.)

A. We, I mean, were to share the expenses, and he gave me the money—we figured about \$50.

Q. (By Mr. Sparrow): And did he give you—the defendant Ege gave you \$50, is that right?

A. Uh-huh.

Q. As your share of the expenses?

A. (Witness nods affirmatively.)

Q. In whose car did you go down to Phoenix?

The Court: I didn't hear your answer to the last question.

A. Yes.

Q. (By Mr. Sparrow): In whose car did you go down to Phoenix? A. In Judy's.

Q. Judy's? A. (Witness nods head.)

Q. Who drove the car? A. Judy.

Q. And did you stop on the way or did you drive straight through? [19]

A. We stopped in several places to have coffee or something like that.

Q. But other than that you went straight through? A. Oh, we stopped in Delano once.

Q. Did you spend any time there?

A. We went to—stopped in, saw a friend of hers, and then went to the drugstore.

Q. About how long was that stop there?

A. It was about a half an hour.

Q. Then you went on, is that right?

A. Yes.

Q. Do you remember whether it was day or night at the time you arrived in Phoenix?

A. It was about—it was before noon, in the day time.

(Testimony of Constance Marie Bell.)

Q. Did the defendant Ege give you any instructions or did he give any instructions to Judy in your presence regarding what was to be done when you arrived at Phoenix?

Mr. Stout: Objected to as calling for the opinion and conclusion, and likewise leading and suggestive.

The Court: Overruled.

A. Well, she was to phone this Joe Boyd at this motel or some place and he wasn't there, and I don't know how exactly she did get in touch with him. It was through the maid, I don't know, or Eddie left a message at the motel for her to call some other number, but I don't know how it was. [20]

Mr. Stout: This is hearsay, Your Honor. It is objected to on that ground.

The Court: Overruled.

Q. (By Mr. Sparrow): And as a result of calling that other number, did you go from—first of all, where did you land, where did you go to when you first arrived in Phoenix?

A. We went to a coffee shop.

Q. A coffee shop in downtown Phoenix, was it?

A. Uh-huh.

Q. And as a result of that second telephone call, did you go anywhere from the coffee shop to any place else?

A. We went to this—the maid's house in Phoenix.

Q. And how did you get there?

Mr. Stout: Object to the characterization as

(Testimony of Constance Marie Bell.)

“maid” as the opinion and conclusion, Your Honor.

The Court: Overruled.

Q. (By Mr. Sparrow): How did you get there?

A. In Judy's car. Oh, wait, I beg your pardon. I think that—I mean, one of the people that—this colored fellow that come and picked us up, and I think—I went in his car and I think Judy drove her own car. I'm not sure.

Q. (By Mr. Sparrow): And what, if any conversation—strike that.

After arriving at this place that you described as the maid's place, what if anything happened thereafter? [21]

A. Well, we made some phone calls to let everybody know that we had gotten there all right.

Q. Who made the telephone calls?

A. Judy made one and I made one.

Q. And do you know who Judy called?

A. I don't know.

Q. As a result of that telephone call did anything happen that you know of? A. Huh?

Q. As a result of that—strike that.

How long did you stay at this place that you described as the maid's place?

A. Only just a few minutes.

Q. And then what happened?

A. Then they drove us out to Scottsdale, and I think that's the town——

Q. Who is “they”?

A. The maid and her husband, I guess.

(Testimony of Constance Marie Bell.)

Q. They drove you to Scottsdale, is that right?

A. Yes.

Q. How long did it take from Phoenix to get there, do you remember?

A. Oh, not more than half an hour, 15 minutes.

Q. Who if anyone did you see when you arrived at Scottsdale?

A. There was a girl there, but I don't know her name, and [22] there was the girl that was running the place, Ginger.

Q. Who is Ginger?

A. She was supposed to be with this Joe Boyd.

Q. Did you see the defendant Boyd at this place then, or at any time subsequent?

A. I seen him there but not—I don't know if he was there when I first got there, but he was there in the following days.

Q. Do you remember what sort of a place it was?

A. It was a regular house, I think, a home, like.

Q. Was it in the middle of town or on the outskirts of town, do you remember?

A. I think it was in the desert some place.

Q. What if anything did you do after arriving there at Scottsdale?

A. Well, I was tired and I slept the first day, and after that I started working.

Q. By that, you mean working as a prostitute there?      A. Yes.

Q. Did you have occasion at any time to have any conversations with the defendant Ege?

A. Well, not——



(Testimony of Constance Marie Bell.)

Q. While you were down there at Scottsdale?

Mr. Hagerty: I will object to this as no proper foundation laid, Your Honor.

The Court: Overruled. [23]

A. I got a message that he was going to call at this phone booth.

Q. (By Mr. Sparrow): Where was the phone booth? A. It was in a gas station.

Mr. Stout: Just a moment. That is objected to as no proper foundation.

The Court: Overruled.

Q. (By Mr. Sparrow): Do you remember where, what sort of a gas station it was?

A. I can't—I couldn't say for positive. It might have been a Shell. I'm not sure.

Q. Was that right near the house?

A. It wasn't too far from it, I don't think.

Q. I believe you said you had a conversation—you got word that Ege was going to call you. Did he call you? A. Yes.

Q. And did you have a conversation with him over the telephone? A. Yes.

Q. What was that, would you tell us the substance of that conversation?

Mr. Stout: Just a moment. No foundation laid, objected to on that ground.

The Court: Overruled.

Mr. Hagerty: And, Your Honor, it is understood that our [24] objection as to the hearsay is to continue?

The Court: So understood.



(Testimony of Constance Marie Bell.)

A. It was that business had been bad. I mean, he asked me how the business had been, and I said bad, and he said Delano was opening, and so I went to Delano.

Q. (By Mr. Sparrow): Who suggested going to Delano? A. Eddie.

Mr. Stout: Objected to as leading and suggestive.

The Court: Overruled.

Mr. Sparrow: By Eddie you mean the defendant Ege?

A. Yes.

Q. (By Mr. Sparrow): Did you have any conversation with him as to how you were going to get there?

A. Well, I was to fly because they were short on girls there and they had no girls.

Q. Did you earn any money while you were there at Scottsdale? A. Well, yes, I did.

Q. How much, do you remember?

A. Oh, a couple of hundred dollars, I guess. I'm not sure.

Q. Is that what you netted yourself?

A. Uh-huh. Oh, no. Oh, yes, what I made. I mean, after it was cut down.

Q. After it was—how was it cut down?

A. Well, 50 per cent went to the house and 50 per cent went to me. [25]

Q. So you got about \$200, is that right?

A. Uh-huh.

Q. Did you have to pay anything other than the 50 per cent for board and room at the place?

(Testimony of Constance Marie Bell.)

A. 10 per cent room and board we paid out of what you made after it was cut.

Q. Did you have any discussion in this telephone discussion with the defendant Ege as to how you would pay for this airplane ticket?

A. Out of the money that I made.

Mr. Stout: I'm sorry, I didn't hear the answer.

The Court: "Out of the money that I made."

Q. (By Mr. Sparrow): Did the defendant Ege give you any instructions over the telephone as to who you were to contact in Delano?

A. Well, when I got to Los Angeles I was to call in to Delano in to this number that he gave me and I was to let him know what time my flight would arrive in Bakersfield.

Q. Who was the person you were to call? Did Eddie Ege tell you who that was?

A. Joe Bruno.

Q. And when you arrived in Los Angeles did you in fact call that number? A. Yes, I did.

Q. And when you arrived in Bakersfield was anyone waiting [26] there to pick you up?

A. Yes, there was.

Q. And who was that? A. Joe Bruno.

Q. What was he driving?

A. He was driving a Cadillac.

Q. And where did he take you, if anywhere, from the airport?

A. He took me to Delano and the house—his house there.

(Testimony of Constance Marie Bell.)

Q. He took you to Delano. Did you have any conversation with him as to whose house that was?

A. Well, he told me it was his and his old lady's.

Q. He said it was his and his old lady's?

A. Yes.

The Court: Whom did he mean by his old lady, do you know that?

A. A girl named Kitty.

The Court: He didn't mean his mother, did he?

A. No, he meant this girl.

Q. (By Mr. Sparrow): This girl you knew as what? A. Kitty.

Q. Kitty? A. Uh-huh.

Q. Did you meet Kitty at the place in Delano?

A. No, she wasn't there. She was sick.

Q. And did you work in this place in Delano? [27] A. Yes, I did.

Q. And for about how long?

A. For a couple of weeks, for about three weeks, I'll say.

Q. Did you earn any money there?

A. Yes, I did.

Q. Do you remember about how much you earned?

A. Well, quite a bit, about seven or eight hundred dollars.

Q. That was your share, is that right?

A. Uh-huh.

Q. While you were there did you observe the defendant Bruno about the house on frequent occasions? A. I beg your pardon?

(Testimony of Constance Marie Bell.)

Q. While you were there at the house in Delano did you observe the defendant Bruno about the house? A. Oh, yes, he was there.

Q. Would you say he was there many times?

A. He was there almost every night except a couple of times.

Q. And what if anything did you observe him do there at the house?

A. He would sit in the kitchen all night until it was time to check out.

Q. Then what would he do, if anything?

A. He would help count the money and check us out.

Q. Where did you go after the two or three weeks you said you spent there in Delano? [28]

A. I went to Fresno.

Q. And did you thereafter see the defendant Ege?

A. In Fresno, he came and picked me up.

Q. He came and picked you up in what, an automobile? A. Yes.

Q. And then where did you go?

A. I came back to San Francisco.

Q. And where did you go in San Francisco?

A. To Monterey Boulevard.

Q. And how long did you stay there?

A. Oh, a few weeks, I think.

Q. And where did you go after that?

A. I went to Barstow.

Q. Did you make any trips while you were stay-

(Testimony of Constance Marie Bell.)

ing in Monterey Boulevard to places other than Barstow before you went there?

A. Oh, I went to Sacramento and I went to Isleton.

Q. You went to Isleton. Whereabouts did you go to in Isleton?

A. I can't remember the exact place, but it was——

Q. Was it a house of prostitution?

A. Yes, they were, both of them.

Q. And how long did you stay there?

A. Not very long, just a few days.

Q. Oh, by the way, you testified you had about seven or eight hundred dollars, I believe, as a result of the stay in [29] Delano. What if anything did you do with that money?

A. Well, when Eddie came, he got it from me in Fresno.

Q. He took it from you in Fresno?

A. Uh-huh.

Q. Did you earn some money in Isleton?

A. Yes.

Q. What if anything did you do with that?

A. I guess I gave it to him.

Mr. Stout: Objected to as conjecture.

The Court: Sustained.

Q. Did you or did you not give it to him, what is your best recollection?

A. I can't—I think I did, but I'm not sure.

Q. You're not sure. All right.

Q. (By Mr. Sparrow): Did you at or about



(Testimony of Constance Marie Bell.)

that time have any discussion with Eddie regarding the matter of turning over to him the money which you earned in houses?

A. It was definitely understood from the beginning that I was.

Mr. Stout: Objected to as the opinion and conclusion.

The Court: Sustained.

Q. (By Mr. Sparrow): Did you have any discussion with him about it?

A. He told me that everybody gave their money to the man that had them. [30]

Mr. Stout: Ask that the answer be stricken.

The Court: Objection overruled. Motion denied. What did he tell you?

A. That you, just all the girls, gave their money to the man that they were with.

Q. (By Mr. Sparrow): Did you at or about that time have occasion to get into any dispute with Eddie Ege over the division of the money, the turning of it over?

A. Oh, several times I got into quarrels with him about it.

Mr. Campbell: I wish to again for the record——

The Court: Would you mind standing up, Mr. Campbell, when you address the Court?

Mr. Campbell: Yes, sir. I wish again for the record to have it understood that my objection again goes to all of this testimony.



(Testimony of Constance Marie Bell.)

The Court: I think we have a complete understanding about that. The record discloses it.

Mr. Campbell: The reason I renew that, Your Honor, is because there had intervened some testimony regarding the defendant Bruno.

The Court: All right, proceed.

Q. (By Mr. Sparrow): What were these quarrels about, Miss Bell?

A. Oh, different things, about money and spending too much, and I wanted to go away, I wanted to be on my own. It just [31] wasn't done, he told me.

Q. What if anything did he say to that, what did he say when you said you wanted to go on your own? Did he say anything else besides "that wasn't done"? A. Oh, he threatened me.

Q. He threatened you with what?

A. He pushed me around, and one time he got awful mad at me and had me—chased me with a knife.

Q. Did you ever have occasion in your discussions with the defendant Ege—did he ever discuss with you what if any action you were to take in the event you were arrested while working in a house?

A. That I wasn't to say nothing.

Q. After you worked at Isleton did you then come back to Monterey Boulevard?

A. Yes, I did.

Q. And thereafter where did you go?

A. Barstow, I'm pretty sure.

Q. You went to Barstow? A. Uh-huh.

(Testimony of Constance Marie Bell.)

Q. How did you get to Barstow?

A. Oh, I went up with some people in a car, but I can't remember who they were.

Q. Do you remember where you left from?

A. From the Sarong Club. [32]

Q. And how did you happen to go to the Sarong Club to pick up this car?

A. Well, these people came out to Monterey Boulevard and got me and brought me down to the Sarong Club where there was some other girls they were meeting.

Mr. Stout: Just a moment, that's hearsay and opinion and conclusion.

The Court: Would you repeat that answer, please?

(Question and answer read by reporter.)

The Court: Overruled.

Q. (By Mr. Sparrow): How did these people happen to pick you up at Monterey Boulevard?

Mr. Stout: Same objection.

The Court: Overruled. Where do you think you are, in some Justice of the Peace Court?

Mr. Stout: Your Honor, I have a right to make my objection.

The Court: But don't be making frivolous objections. Take your seat.

Proceed.

Mr. Stout: I am not making frivolous objections.

The Court: Proceed, Mr. Sparrow.

The Witness: Would you repeat the question?

(Testimony of Constance Marie Bell.)

Q. (By Mr. Sparrow): Do you want the reporter to read the question? [33]

A. Yes, please.

(Pending question read by reporter.)

A. Well, Eddie had got the connection some way. I don't know how.

Mr. Stout: Objected to as hearsay, Your Honor; it is speculation.

The Court: Overruled.

A. And I was home and he came home and told me about this job up in Barstow and for me to get ready and go.

Q. (By Mr. Sparrow): Ege told you that?

A. Yes.

Q. So you sent to Barstow, did you?

A. Yes, I did.

Q. And do you remember where you went there?

A. Well, it wasn't exactly in the town of Barstow. It was a little bit out of Barstow, but I worked from there.

Q. Was it a place called Newberry?

A. Yes, Newberry, that was it.

Q. And do you remember the name of the place?

A. No. It was a little kind of a—like a motel or something, oh, that—it hadn't been used for a long time as a motel. On the highway some place.

Q. How long did you stay there?

A. It wasn't too long. A couple of weeks.

Q. What if anything happened after that? [34]

A. The place got raided.

Q. What did you do after that?

(Testimony of Constance Marie Bell.)

A. I went to jail.

Q. Beg your pardon?

The Court: Where?

A. To jail.

Q. (By Mr. Sparrow): What if anything did you do there?

A. Well, we got out on bail and I called home to Monterey Boulevard there and I was told that Eddie wasn't there and——

Mr. Stout: Objected to as hearsay, not binding.

The Court: The objection is sustained.

A. And that——

Q. (By Mr. Sparrow): Just a minute, Miss Bell.

You made a telephone call to Monterey Boulevard. Did you get Eddie on the telephone call there?

A. No, he wasn't there.

Q. As a result of that telephone conversation did you have occasion to call him any place else?

A. Yes.

Q. And where was that?

A. In Las Vegas at Roxy's.

Q. So you called——

A. I mean, not direct to him but to a girl that was there that could get ahold of him.

Mr. Stout: Objected to as hearsay, not binding. [35]

The Court: Overruled.

Q. (By Mr. Sparrow): And as a result of that call which you made to Roxy's in Las Vegas, did you thereafter have a telephone conversation with Ege?

A. Yes.

(Testimony of Constance Marie Bell.)

The Court: In other words, the purpose of your call to Las Vegas was in order to get in touch with Ege, is that right?

A. Yes.

The Court: Someone there told you where to get in touch with him?

A. Oh, no, they told me to call back at that place, and then I called back again and they told me to wait up at Barstow there and that he would come and get me.

Mr. Stout: Your Honor, it is not binding, it is objected to as hearsay.

The Court: Overruled.

Q. (By Mr. Sparrow): As a result of that telephone conversation did Ege come to Barstow and pick you up?

A. Yes.

Q. And what if anything was he driving?

A. His Cadillac.

Q. And where did he take you from Barstow?

A. We went to Las Vegas.

Q. Whereabouts in Las Vegas? [36]

A. Well, we went to, oh, different places, but I can't remember exactly where. I worked there at Roxy's a day.

Mr. Stout: Objected to as not responsive.

The Court: Overruled.

Q. (By Mr. Sparrow): You worked at Roxy's?

A. Uh-uh.

Q. Did you have any discussion with the defendant Ege before you went to work at Roxy's?

A. Pardon?



(Testimony of Constance Marie Bell.)

Q. Did you have any discussion with Ege before you went to work at Roxy's?

A. Well, he told me to go there.

Q. How long did you stay at Roxy's?

A. Just a few days.

Q. And then what happened?

A. That I got, oh, got in a quarrel, and I left.

Q. And you got in a quarrel with whom?

A. Eddie.

Q. And then you left. Where did you go?

A. I came back to San Francisco.

Q. And how did you come back?

A. On a bus.

Q. Where did you get the money to pay the bus fare?

A. Oh, from working there at Roxy's that day.

Q. Where did you go when you came to San Francisco? [37]

A. I went to—I checked in at this hotel here in town. There was a girl there that I knew.

Q. Did you stay with her? A. Yes.

Q. About how long was that?

A. Oh, just a few days.

Q. Then where did you go?

A. I went to Suisun.

Q. Suisun. And what did you do there?

Mr. Stout: Objected to as incompetent, irrelevant and immaterial.

The Court: Overruled.

A. Nothing—I mean, I worked there, but I came back to town in a few days.



(Testimony of Constance Marie Bell.)

Q. (By Mr. Sparrow): Did you work as a prostitute there in Suisun? A. Uh-huh.

Q. And thereafter you came back to town. What if anything did you do next?

A. Well, I worked in this apartment and it got raided.

Q. Where was the apartment?

A. It was on Atuma Street.

Q. Here in San Francisco?

Mr. Stout: Where?

The Court: On Atuma Street in San Francisco. She worked [38] in an apartment on Atuma Street in San Francisco.

Mr. Campbell: If the Court please, I wonder if we are getting beyond the period in the indictment.

The Court: Fix the time, Mr. Sparrow.

Q. (By Mr. Sparrow): About when was that Connie, do you remember—I mean, Miss Bell—I'm sorry. A. In January, the first of February.

Q. What year, do you remember?

A. Of 1953.

Q. 1953? A. I mean 1954.

Q. 1954.

Mr. Campbell: Pardon me, Mr. Sparrow. Excuse me. The last act referred to in the indictment—it is not alleged to be a continuing conspiracy—is 14, which refers to December, 1953, when Ege is alleged to have driven this witness from Barstow to Las Vegas.

(Testimony of Constance Marie Bell.)

The Court: You're right. Don't go beyond that, Mr. Sparrow.

Q. (By Mr. Sparrow): Miss Bell, about what time was it that you left Roxy's in Las Vegas after that quarrel with Ege?

Mr. Campbell: Same objection, it is obviously beyond the point, the last point.

The Court: That question relates, Mr. Campbell, directly to the last count of the indictment. In other words, he is [39] simply asking her when she left Barstow to go to Las Vegas.

Mr. Campbell: I have no objection to this particular question if it is not going into the same matter.

A. That was around Christmas or so.

Q. (By Mr. Sparrow): Of 1953?

A. 1953.

Q. Have you had occasion since about Christmas, 1953, to see the defendant Ege or the defendant Boyd or the defendant Bruno?

A. I saw Ege.

Q. Where did you see him?

Mr. Stout: Objected to as incompetent, irrelevant and immaterial.

Mr. Campbell: Objected to, on behalf of the defendant Bruno, as occurring subsequent to the time of the alleged conspiracy and therefore in no way binding as to him.

The Court: Overruled.

Q. (By Mr. Sparrow): Where did you see the defendant Ege?

(Testimony of Constance Marie Bell.)

A. Oh, I saw him in different places, like the Sarong Club and just different places.

Q. Did you thereafter have any financial dealings with the defendant Ege after Christmas?

Mr. Stout: Objected to as incompetent, irrelevant and immaterial, after the scope of this——

The Court: Do you know how to stand up?

Mr. Stout: Yes, Your Honor, I do—— [40]

The Court: Overruled.

Mr. Stout: ——but I have to pose these objections rather fast because——

The Court: The objection is overruled.

A. There was talk about—I mean, I had broken up and I don't think there was—I know that he—there had been talk that—there had been talk——

The Court: What?

A. Nothing.

Q. (By Mr. Sparrow): You broke off with him insofar as any financial transactions with him were concerned after about Christmas, 1953, is that right?

A. Yes.

Q. Turning for the moment, Miss Bell, to the trip which you took with Judy from Monterey Boulevard to Phoenix. Did the defendant Ege give you any instructions as to contacting Ege after you arrived at Phoenix?

Mr. Stout: It is leading and suggestive, objected to on that ground.

The Court: Overruled.

A. Yes. I was to call——

Q. (By Mr. Sparrow): Did you call from Phoenix to San Francisco?

(Testimony of Constance Marie Bell.)

A. Yes. Yes, I did.

Q. And did you speak on that occasion with the defendant Ege? [41]

A. Well, one time I couldn't get him and then the next time, I think I spoke to—I did speak to him one time, I know.

Q. What did you tell him?

A. That I had gotten there.

Q. Was that in accordance with instructions which Eddie Ege had given you?

A. That's what I was to do.

Mr. Hagerty: I didn't hear the last answer.

The Court: "That is what I was to do."

Mr. Sparrow: No further questions.

The Court: Cross-examine.

### Cross-Examination

By Mr. Stout:

Q. Are you in custody at the present time?

A. No, I am not.

Q. Where are you living at the present time?

A. In San Francisco.

Mr. Sparrow: Objected to as incompetent, irrelevant and immaterial.

The Court: Overruled.

Q. (By Mr. Stout): Pardon?

A. In San Francisco.

Q. Where in San Francisco?

Mr. Sparrow: If Your Honor please, I will object to that as incompetent, irrelevant and immaterial.

(Testimony of Constance Marie Bell.)

The Court: Overruled. I can't see any objection. [42] I can't see any objection in this young lady telling us where she lives unless there is some obscure reason that would on the part of the Government prevent it.

Mr. Sparrow: If Your Honor please——

The Court: Of which I know nothing.

Mr. Sparrow: The witness is apprehensive of possible retaliation against her.

Mr. Stout: Just a moment.

Mr. Sparrow: And she is reluctant.

Mr. Stout: I object to any statement of that nature.

The Court: You wanted to know. But this Court will amply protect her. I will see that she has all the protection that is necessary.

Mr. Stout: Well, will Your Honor instruct the jury that they are not to make any conclusion from the remarks of Mr. Sparrow about retaliation?

The Court: I will do that at the proper time.

Q. (By Mr. Stout): The question was, where are you living in San Francisco?

A. 547 Dolores Street.

Q. 547 Dolores? A. Yes.

Q. Where is that? A. San Francisco.

Q. With whom do you live at 547 Dolores? [43]

A. I live by myself.



(Testimony of Constance Marie Bell.)

(The witness exhibited emotional distress.)

Mr. Stout: Should I desist questioning for the moment, Your Honor?

The Court: No. Are you all right?

The Witness: Yes, I'm fine.

The Court: Get her a glass of water, Mr. Crier.

Q. (By Mr. Stout): Are you married or single? A. I'm married.

Q. What is your husband's name?

Mr. Sparrow: If Your Honor please, in justice to the feelings of innocent people who aren't involved here, I would like it possible to have counsel stipulate that her married name should not enter into these proceedings.

The Court: You don't have to answer that question.

Q. (By Mr. Stout): As I understood it, at some time in September of 1953 you met the defendant Edward Ege at the Sarong Club, is that correct? A. Yes, it is.

Q. And that's here in San Francisco on Geary Street, is that likewise not true? A. Yes, it is.

Q. Who introduced you to him, may I inquire?

A. A girl named Rosalind.

Q. Rosalind? Where had you known Rosalind? [44] A. From the Burlesque Follies.

Q. Are you talking about the President Follies on O'Farrell Street here in San Francisco—yes, on O'Farrell Street—no, it's on McAllister Street. Is that the place?



(Testimony of Constance Marie Bell.)

A. It is the President Follies, yes.

Q. Was she working in the Follies with you?

A. Yes, she was.

Q. What type of work were you doing, dancing?

A. Dancing in the chorus line.

Q. Chorus work? A. Yes.

Q. Prior to that time had you ever seen Edward Ege? A. I beg your pardon?

Q. Prior to the meeting at the Sarong Club had you ever seen Edward Ege? A. No, I hadn't.

Q. Did Rosalind accompany you to 395 Monterey Boulevard on the occasion of your first visit to that establishment? A. Yes, she did.

Q. Do you know Rosalind's last name?

A. No, I don't.

Q. Have you seen Rosalind in recent years?

A. Oh, I have seen her, but I don't—I haven't seen her in quite a long time.

Q. Have you ever worked at any other theater, burlesque [45] theater, other than the President?

A. No, I haven't.

Q. You have not? A. No.

Q. You never worked at the theater in Oakland called the El Rey? A. No, I haven't.

Q. Did Rosalind stay at 395 Monterey Boulevard here in San Francisco during the time that preceded your going to Folsom?

A. She stayed there one night.

Q. Did you see her again after that?

A. Yes, I did.

Q. At 395 Monterey Boulevard?

(Testimony of Constance Marie Bell.)

A. Well, she came to pick me up there at one time.

Q. This was in the first week?

A. Well, no, it was a different time.

Q. Later? A. Yes.

Q. Who else was at 395 Monterey during the occasion of your first week's visit there?

A. There was an old man there.

Q. His name, if you know?

A. I don't remember it.

Q. What did you call him? [46]

A. I can't remember him very well. He wasn't there very long.

Q. You were there a week, as I understand it. Was he introduced to you?

A. I can't remember the man's name.

Q. Did you converse with him at any time?

A. I did say something to him but he was an alcoholic or something and he didn't make much sense to me.

Q. Was anybody else present in that first week's visit? A. Judy came in.

Q. By Judy, who do you mean, Judy Berg?

A. Yes, I do.

Q. When did she arrive?

A. She arrived, I think, the day after I was there. I had been there one night.

Q. Is that the only person who was there other than the old man that you have described, yourself and the defendant Ege? A. Well——

Q. Or were there other people?

(Testimony of Constance Marie Bell.)

A. There may have been other people—I mean come in through different times, but never stayed any length of time.

Q. When was the first conversation that you had with the defendant Ege with respect to prostitution?

A. The first day that I went there.

Q. That was in the evening?

A. It was about evening, I would say. [47]

Q. You went to the Sarong Club in the afternoon or the early evening?

A. Well, it was in the latter part of the afternoon, almost evening.

Q. Was anyone else present at the time of your initial conversation with Mr. Ege about prostitution?

A. Rosalind was there.

Q. Rosalind was there. Did she participate in the conversation?

A. No, she didn't.

Q. Now you have testified in substance the first conversation with Mr. Ege about prostitution related to money. Tell me what he said with respect to money, please.

A. He said that the prostitution—there was money in it to be made, and the different prices of the different places and about sharing, splitting with the houses, and the good things that—I mean, the money, the amounts of money you could make. I can't remember all we talked about.

Q. What did he tell you about himself in this first conversation, anything?

A. What do you mean by "himself"?

(Testimony of Constance Marie Bell.)

Q. Who he was, what he did, where he came from, what he had done prior to this.

A. He didn't say.

Q. He didn't tell you anything about himself? [48]

A. Except that I was in his house and that he was, well, a pimp.

Q. What did he say to you in—

The Court: Let's get that last answer, Mr. Stout. You anticipated a little bit.

Mr. Stout: I'm sorry, maybe I didn't hear the last part of it.

The Court: What did you say, if anything, about him being a pimp?

A. I said it was his house and that he was a—owned it but—not owned it, but had it, and he was a pimp, I guess.

Q. (By Mr. Stout): Did he use the word "pimp" in your presence in that first conversation at 395 Monterey; did he describe himself as such?

A. Well, not to exact words. I don't think nobody would describe himself that way.

Q. He did not describe himself that way?

A. Well, he told me that he—he was the interceptor of all of these girls, their money. Isn't that a pimp?

Q. Did he tell you what girls he had and what girls he was intercepting? A. Yes.

Q. Who? A. He had three or four girls.

Q. Did he name you names? [49]

A. Yes.

(Testimony of Constance Marie Bell.)

Q. Name me, please?           A. What?

Q. What names did he name for you?

A. Ginger was one girl that I knew.

Q. Did he name her, Ginger, in this first conversation?

A. Well, I can't tell you what he named in the first conversation but I did meet these girls afterward and they were his girls. So evidently they had to be one and the same. One girl was married to him.

Q. Which girl was that?

A. I guess Ginger.

Q. Did she tell you or did he tell you she was married to him, did he tell you he was married to Ginger?           A. She told me.

Mr. Stout: I will ask the answer be stricken as hearsay, Your Honor, also calls for her opinion and conclusion.

The Court: All right, it may go out. The jury is instructed to disregard it.

Q. (By Mr. Stout): Can you tell me other girls whose names are involved in this that he told you about on this first conversation?

A. Connie.

Q. Pardon me?           A. Connie. [50]

Q. Connie?           A. (Witness nods head.)

Q. That was not yourself?

A. No, it's a different girl.

Q. By the way, what name were you introduced to him under, the name Constance Marie Bell?

A. No.

Q. Under what name?           A. Cindy.



(Testimony of Constance Marie Bell.)

Q. How long had you been known as Cindy?

A. Not very long. I had just changed it myself.

Q. Was that a name you used when you went to the President Follies?      A. Yes.

Q. Was your last name that you used Marlow?

A. Yes.

Q. That last name was likewise not your own name but had been taken by you, is that correct?

A. Yes.

Q. What conversation did you have with Mr. Ege at the Sarong Club prior to going out to 395 Monterey Boulevard?      A. Just——

Q. General?      A. General talk, talking.

Q. Didn't you talk about prostitution? [51]

A. Well, he wanted to know why I wanted to see him. I mean, why that girl brought me down there to see him.

Q. What did you say in that regard?

A. Huh?

Q. What did you say in response to Mr. Ege's question?

A. That I was a friend of this Rosalind and that I had come along with her to see him.

Q. Mr. Ege asked you why you had come. You said you were a friend of Rosalind's, that you had come along to see him, is that right?

A. Look, I can't remember exactly two years what a conversation consisted of. I can say what I think but I can't say it's the God's honest truth. I can't remember that far back. Can you?

Q. The first conversation that you had with Mr.



(Testimony of Constance Marie Bell.)

Ege was there that evening at his house at 395 Monterey?      A. That was the first.

Q. The first conversation?

A. Conversation about prostitution.

Q. Now tell me this, in all, during your first week there, how many specific conversations were there with Mr. Ege with reference to prostitution, if you can?

A. I'll tell you, you never stop talking about it, it's constantly mentioned when you're in the racket you're in.

Q. This conversation with Mr. Ege was continuous, then? [52]

A. When you live with those people and see them day in and day out, what do you talk about?

Q. I wouldn't know. I have never been a party to it.      A. Well, that's what you talk about.

The Court: Take a recess for a few minutes, ladies and gentlemen.

(Short recess taken.) [52A]

Q. (By Mr. Stout): Did you go with Rosalind to the Sarong Club for the purpose of meeting Edward Ege in the attempt to place yourself in prostitution?      A. No.

Q. For what purpose did you go to meet Edward Ege?

A. Rosalind knew him and I went with her to meet him.

Q. That was all, friendly, social visit, is that right?

(Testimony of Constance Marie Bell.)

(Witness nods head.)

Q. Will you answer the question, please?

A. I said "Yes."

Q. Why did you go into prostitution?

Mr. Sparrow: Objected to as irrelevant, incompetent and immaterial.

The Court: Overruled.

A. Because I wanted the money.

Q. (By Mr. Stout): While you were stationed at 395 Monterey Boulevard did you make any money that first week? A. No, I didn't.

Q. You just lived there, went out with Mr. Ege, is that correct? A. Yes.

Q. During that period of the first week did Mr. Boyd come to 395 Monterey Boulevard?

A. No, he didn't.

The Court: I didn't hear you. [53]

A. No, he didn't.

Q. (By Mr. Stout): Did Mr. Bruno?

A. No, he didn't.

Q. Of your own knowledge do you know whether there were any telephone conversations received during that week from either of those two gentlemen whose names I have just given you?

A. Not to my knowledge.

Q. Not to your knowledge. Did Judy Berg remain at the house during the entire time you were there? I am referring to 395 Monterey, on the occasion of your first one week's visit?

(Testimony of Constance Marie Bell.)

A. Well, she stayed a few days but she went home a couple of times.

Q. You went with her from San Francisco to Phoenix, is that right?      A. Yes.

Q. In her car?      A. Yes.

Q. What kind of a car was it?

A. It was an Oldsmobile.

Q. Can you tell me—and I know this is asking possibly a little too much from you—what the day of the week it was that you left San Francisco? Now, if you don't recall, just say so.

A. Well, no, I don't.

Q. All right. Can you tell me what time of the day or night [54] it was, can you help me with that?      A. It was in the morning.

Q. Eight o'clock in the morning, nine o'clock, somewhere along in there, early morning, an early morning start, in other words?      A. Yes.

Q. Just the two of you, that is, Judy and yourself, were going to go, is that right?      A. Yes.

Q. When was it that Phoenix was first mentioned to you by Mr. Ege in the several discussions you had with him?

A. Well, it was mentioned after I came out of Folsom, about a week later or a couple of weeks later, a week or so, at the Sarong Club.

Q. In other words, as I take it, Phoenix was never mentioned in the first week's visit?

A. No.

Q. Is that right?      A. No, it wasn't.

Q. You went up to Folsom, is that correct, after

(Testimony of Constance Marie Bell.)

the first week?           A. Yes.

Q. How did you go to Folsom, in a car?

A. Yes.

Q. Whose car? [55]           A. Judy's.

Q. Judy's car. That same Oldsmobile that you went to Phoenix in?           A. I'm pretty sure, yes.

Q. Who else was in Folsom with you and Judy in this rooming house?           A. Ginger was there.

Q. Ginger?           A. (Witness nods head.)

Q. Who else?           A. I think that's all.

Q. As I understand it and from what I have gathered from your testimony earlier this afternoon, at the end of each evening there was the matter of accounting for the money that you took in, is that correct?           A. Yes.

Q. All right. Now while you were in Folsom with whom did you account for your earnings?

A. I didn't account to no one for them because I didn't get any.

Q. Let me see if I understand you. Am I right that from that answer that you did not practice prostitution in Folsom?

A. Oh, yes, I did. Oh, I did.

Q. Did you get any money then for it?

A. No, because the house belonged to Eddie. [56]

Q. Well, now, wait a minute, that isn't what I am asking you.           A. I worked for Eddie.

Q. Did you get any money for it?

A. No. Well, I made money but it wasn't given to me.

Q. You made money. All right. Now, how was the

(Testimony of Constance Marie Bell.)

money picked up, shall we say, so that you didn't get any portion of it?

A. Well, Judy went to work for him and she got her's at the end of the evening, and I didn't get none.

Q. Who was the money given to?

A. The girl that was—the madame there.

Q. Ginger?

A. No, it wasn't Ginger. Some other girl. Bobby, I think was her name.

Q. After each act of prostitution would you give the money to Bobby or before each act, which?

A. Before.

Q. Before each act. And you saw none of that money then at the end of each evening, is that correct?

A. That's correct.

Q. At Folsom while you were there did you see Eddie Ege?

A. Yes.

Q. Where?

A. In the house.

Q. With whom? [57]

A. With himself. I mean——

Q. Did you talk to him?

A. Yes.

Q. About what?

A. About how I was making out.

Q. What did you say in that regard?

A. I was scared. I didn't know what I was doing.

Q. Did you tell him that you were scared?

A. Well, I didn't know how—it was the first time I had been in a place and I told him——

Q. Excuse me, did you tell him you were scared?

A. Yes. I didn't know what I was doing.

Q. You told him that?

A. Yes.



(Testimony of Constance Marie Bell.)

Q. Is that right?           A. Yes.

Q. What did he say?

A. He told me that I would get used to it. I mean, everybody is scared the first week.

Q. Was he there continuously during that week you were there at Folsom?

A. No, he wasn't. I mean, he was there——

Q. How many times—excuse me—I didn't get your answer.

A. He was there off and on.

Q. How many times off and on? [58]

A. Oh, maybe every other day he would come in from Sacramento or some place like that.

Q. Did you know where he had been in the meantime?

A. He said he had been in Sacramento.

Q. I see. Do you know that is Mr. Ege's home town, Sacramento? Did he tell you that?

A. No.

Q. He never mentioned that Sacramento was his home town?

A. Well, I knew that he had been—he had lived in Sacramento but I didn't know it was his home town.

Q. He never told you?           A. No.

Q. How long would you say he stayed in Folsom in these every other day trips?

A. Just maybe an hour or so.

Q. Would you converse with him during the period of time?           A. Yes, I would.



(Testimony of Constance Marie Bell.)

Q. Who else would be present, who else?

A. Well, sometimes the madam would be there.  
Sometimes.

Q. Who?

A. Sometimes by myself. The madam.

Q. Meaning? A. Bobby.

Q. I see. Sometimes yourself?

A. Yes. [59]

Q. Did you ever ask him on those occasions where the money was going that you earned?

A. I knew.

Q. I asked you if you asked him?

A. No, I didn't.

Q. You did not. You were in Folsom a week?

A. A week or maybe a little more, a couple of days more.

Q. Then you came back to San Francisco, is that right? A. Yes.

Q. How did you come back to San Francisco? By that, I mean, what means of transportation?

A. Eddie took me back.

Q. Did Judy accompany you back?

A. No, she didn't.

Q. What did Judy do?

A. She stayed there.

Q. Did you see Judy again in San Francisco after you returned from Folsom?

A. When she came down from Folsom, yes.

Q. How many days later?

A. A couple of days or so.

(Testimony of Constance Marie Bell.)

Q. In what month do you place these occurrences?

A. Around September and October. About September.

Q. Did anything of an unusual nature occur during that period of time that would cause you to place it in either of those [60] two months?

A. No, not particularly.

Q. Can you fix it by the date that you last worked at the President Follies?

A. No, I forget the date of my employment there.

Q. You don't recall that date?

A. Sometime in September. I mean, even the beginning of September and the last of October.

Q. When did you first go to work at the President Follies?

A. Like I said, it was either the first of September or the end of August. I'm not sure.

Q. And your work prior to that had been with the Wall Street Journal?

A. I mean, I had worked at the Wall Street Journal, but I had worked other places.

Q. Well, tell me then what was your job immediately preceding going to work at the Follies?

A. I worked at Hastings department store, the last place.

Q. Can you fix the month in which worked at Hastings?

A. It was before June.

Q. Of 1953?

A. Yes.

Q. And you were there how long?

(Testimony of Constance Marie Bell.)

A. Not too awfully long.

Q. A couple of weeks maybe? [61]

A. Maybe. Maybe a month or so.

Q. Is there something about the month of September that causes you to remember that is the month in which you first met Eddie Ege or first stopped working at the President Follies, is that merely your best recollection?

A. It is my best recollection.

Q. Has anybody attempted to assist you in refreshing your recollection? A. No.

Q. Mr. Sparrow has conferred with you about dates on many occasions, has he not? A. Yes.

Q. Didn't he attempt to refresh your recollection with reference to these days?

A. Well, yes.

Q. You also talked with members of the F.B.I. on many occasions?

A. Yes. But that's not the question you asked me in the beginning.

Q. I am asking you now. Did any of them attempt to refresh your recollection as to these specific dates here involved? A. Yes.

Q. And even with that assistance you were not able to refresh your recollection, is that right?

A. Just—— [62]

Mr. Sparrow: Objected to as argumentative, if your Honor please.

The Court: Overruled.

A. Just to the month?

Q. (By Mr. Stout): Pardon?

(Testimony of Constance Marie Bell.)

A. Just to the month.

Q. Just to the month. The portion of the year, the year, that is the best you can do, is that right?

A. Yes.

Q. Pardon? A. Yes.

Q. Can you place the month in which you went to Phoenix?

A. The first of October or so, September.

Q. Is that merely the process of counting the days you were in San Francisco on your first visit to the time you were in Folsom on your visit there and your period back in San Francisco, on your return from Folsom; is that how you compute the first of October?

A. Well, I can't say. I mean, the only reason I can say October is because——

Q. I am trying to ascertain your mental processes and I am trying to do it the only way I know how. If I ask questions like this, you will please excuse me. A. Yes.

Q. So can you now tell me how you arrived at the month of [63] October?

Mr. Sparrow: Asked and answered as her best recollection.

The Court: Let her answer it again.

A. That is to the best of my recollection.

Q. (By Mr. Stout): Before you went to Phoenix you were at 395 Monterey Boulevard in San Francisco, right? A. Yes.

Q. Upon your return from Folsom, who likewise was living at that establishment, the same old

(Testimony of Constance Marie Bell.)

alcoholic gentleman whose name you don't recall?

A. I don't think he was there.

Q. Your best recollection is that he was not there?

A. (Witness shakes head in negative.)

Q. Was Judy after her return from Folsom?

A. She came by but she didn't live there.

Q. Who else lived there?

A. Well, there was some other girls that lived there but they weren't there. I was about the only one there.

Q. Excuse me. Some other girls who lived there but they weren't there. What do you mean?

A. Well, they lived there, their clothes were there but they were gone.

Q. They were not present physically?

A. No, they weren't there physically.

Q. Who was there then besides yourself and Ege? [64]

A. Nobody.

Q. Nobody? A. I don't think.

Q. How long did you stay at 395 Monterey Boulevard after you returned from Folsom? Days?

A. About a—it took them about a week or so to find me work.

Q. "Took them"?

A. I mean him. Excuse me.

Q. You mean Mr. Ege? A. Yes.

Q. Were you present during the time that he made telephone conversations?

A. Well, he made several telephone conversa-



(Testimony of Constance Marie Bell.)

tions to different people about getting me a job, but there was nothing in town.

Q. Can you tell me to whom he made telephone conversations? A. No, I can't. [65]

Q. Did he tell you where he was calling?

A. Oh, he called different places.

Q. Did he tell you where he was calling?

A. No.

Q. Delano possibly?

A. He could have called Delano.

Q. Could he have called Isleton?

A. He could have called any place, I guess. I don't know.

Q. That is what I am trying to find out. Can you tell me any place?

A. I can't pinpoint no place. I mean——

Q. Any place that he called, you have no recollection? A. No.

Q. Did Mr. Sparrow talk to you about that particular subject, the phone conversations that Mr. Ege might have had during your stay there?

A. I don't think so.

Q. Oh, I see. Now, when did he first tell you about going to Phoenix, Ege, that is?

A. When I was in the Sarong Club one afternoon there.

Q. Who were you in the Sarong Club with?

A. I was with him.

Q. And anybody else?

A. I had been talking to some people.

Q. Was Mr. Ege with you continuously during



(Testimony of Constance Marie Bell.)

that afternoon [66] prior to talking to you about Phoenix?

A. No, he wasn't there. Wait a minute, prior to—when he told me about Phoenix?

Q. Yes, right.

A. What do you mean by "prior"?

Q. Before.           A. Before?

Q. Yes.

A. I guess he was with me all day. I don't know.

Mr. Campbell: Your Honor, I have difficulty hearing both counsel and the witness. They have both dropped their voices.

Mr. Stout: I'm sorry.

Q. Do you know whether he talked to anybody at the Sarong Club before he first conversed with you about going to Phoenix?

A. I think that he had.

Mr. Sparrow: If your Honor please, I will object to the question as vague and indefinite. Talked with anybody about what?

The Court: If she understands the question, she can give an intelligent answer to it, why, we will see what the answer is. Do you understand the question?

A. If he talked to anybody that afternoon, that day?

Mr. Stout: Maybe I'd better rephrase the question. Withdraw it, please.

Q. Did you observe Ege talk to anybody at the Sarong Club [67] prior to his first conversing with you about going to Phoenix?

(Testimony of Constance Marie Bell.)

A. Yes. He talked to some people.

Q. All right, who?

A. Well, Judy had been in there. He talked to her.

Q. He had talked to her in your presence?

A. Yes, in my presence.

Q. About Phoenix?      A. Uh-huh.

Q. He had?      A. She was going there.

Q. Did Judy say she was going to Phoenix?

A. Yes.

Q. You were present at that conversation?

A. Yes.

Q. What did you say about going to Phoenix?  
Did you say, "May I go along"?

A. Well, he told me that there was a job——

Q. Excuse me. Did you say, when Judy said she was going to Phoenix, did you say to Judy, "May I go along"?

A. Not to Judy, no.

Q. Did you say that to Mr. Ege?      A. No.

Q. I see. After you returned from Folsom and before leaving with Judy to go to Phoenix, did you work as a prostitute in San Francisco or anywhere else? [68]

A. Would you please say that again?

Q. Yes. After you returned from Folsom but before going to Phoenix, in that intervening period of time——

A. After I went to Phoenix?

Q. No, before Phoenix and after Folsom.

A. Before Phoenix?

(Testimony of Constance Marie Bell.)

Q. And after Folsom.

A. And after Folsom?

Q. That's the continuity, isn't it?

A. I went to Folsom first and then to Phoenix.

Q. That's right, Folsom, San Francisco, Phoenix.

A. Uh-huh.

Q. All right. Now, from San Francisco. In San Francisco did you work as a prostitute?

A. No, I didn't. Not at that time.

Q. That's what I asked. Now, where was it that Ege gave you the \$50?

A. At the house.

Q. At 395 Monterey? A. Uh-huh.

Q. Where had the conversation been held with reference to the distance between San Francisco and Phoenix, Arizona, at the Sarong? By that I mean the Sarong Club.

A. Yes, I'm pretty sure it was. I'm not positive. As I said before, a lot of these things weren't mentioned in front— [69] I mean, they weren't discussed in front of me.

Q. That is what I am trying to find out, what was discussed in front of you and what was not discussed in front of you.

A. Well, such things like mileage, because I don't know nothing about driving.

Q. That was not discussed in front of you?

A. No.

Q. That is, the distance from San Francisco to Phoenix and how much it would cost to go from San Francisco to Phoenix by car?

(Testimony of Constance Marie Bell.)

A. I was just given the money and they told me——

Q. Hold it. Do you recall testifying on direct examination in response to Mr. Sparrow's questions that there had been conversations in your presence about the cost to be incurred? That is, from San Francisco to Phoenix. I understand now from your testimony that those conversations, you heard about them from somebody else, is that right?

A. No, I didn't hear from anybody else. I had the understanding that \$50 would take care of my share of the expenses.

Q. All right. Now, that's what I want to know. What caused you—let's withdraw that. It's a little dangerous ground.

Was it anything that Ege said that this \$50 was to be your share of the expenses from San Francisco to Phoenix?

A. Eddie—yes, he told me that——

Q. He told you that? [70]

A. The money——

Q. What did he say in that regard?

A. He told me that here was \$50, this would share my expense to Phoenix. I can't remember the exact words, but——

Q. You can't remember the exact words. This was in bills, was it, that he handed to you?

A. Yes.

Q. I am not going to ask you to describe the denominations of the bills, but were those monies that had been given to you used by you for the

(Testimony of Constance Marie Bell.)

purpose of defraying your expenses from here to Phoenix?      A. Did I?

Q. Did you use the money for that purpose?

A. Yes.

Q. In other words, you paid your fair share to Judy, is that right?      A. Yes.

Q. Did he give Judy any money for that purpose?      A. No, I don't think so, no.

Q. What conversation with Ege preceded his giving you the \$50, can you tell me?

A. I don't recollect. What was it that you said? What——

Q. What conversation preceded Ege's giving you the \$50?

A. Just that I was getting ready to go and that I needed—I mean, that I had the understanding that we were going to [71] share, and he gave me the money.

Q. Let me ask you—you were just about to say, I think—correct me if I am wrong——

A. Pardon?

Q. Correct me if I am wrong, I think you were about to say——

Mr. Sparrow: Your Honor, what he thinks she was about to say is incompetent, irrelevant and immaterial, and I will object to it on that ground.

The Court: Objection sustained. You can put that in another way, Mr. Stout.

Mr. Stout: I will, your Honor.

Q. Is it not a fact that the \$50 was given to you by Mr. Ege, if it was given to you at all, just to



(Testimony of Constance Marie Bell.)

take care of whatever expenses you might have, not with reference to Phoenix or anything else, he just gave you \$50?

A. No, it was to take me to Phoenix.

Q. It was to take you to Phoenix?

A. Yes.

Q. No question in your mind about that, is that right?

A. No.

Q. Well, can you go back and tell me what he said in that regard?

Mr. Sparrow: If your Honor please, I hesitated to object heretofore, but I think she has answered the question three or four different times, to the best of her ability, and I [72] will object to the question on the ground it is repetitious and amounts to bullying the witness.

The Court: No, I don't think so. Let her answer it again.

Q. Do you understand the question?

A. How do I know that money was given to me to go to Phoenix? We had, like I said before, we had the understanding that Judy and I were going to share the expense. I had no money to share that expense, so he, Eddie, gave it to me.

Q. (By Mr. Stout): The understanding that expenses were to be shared was with Judy?

A. Yes.

Q. When did you and Judy have such a conversation?

A. I didn't have no conversation—I mean——



(Testimony of Constance Marie Bell.)

Q. You had no discussion with Judy about sharing expenses?

A. I don't remember. I don't remember if I did or not. You got me all mixed up.

Q. I want to be fair, but I also have to represent my client. A. I know——

Mr. Sparrow: If your Honor please, I object to these speeches that counsel is making as to what his purpose may be.

Mr. Stout: They aren't speeches.

The Court: You will disregard that remark, Mr. Stout. I will take care of that when I instruct you ladies and gentlemen. [73]

Is there a question pending?

Mr. Stout: No, there is no question. I will make a question.

Q. What route did you follow going from San Francisco to Phoenix, can you tell me, what towns did you go through?

A. I went through Delano, I know.

Q. Before you got to Delano, what towns did you go through?

A. We went through Fresno?

Q. Did you go through Modesto?

A. I don't remember.

Q. Pardon?

A. I'm not sure. The first stop we made was Fresno.

Q. Was Fresno. Did you go by way of San Jose, possibly?

(Testimony of Constance Marie Bell.)

A. San Jose? I think, yes, because we went over some mountains, I think.

Q. The Pacheco Pass? A. Yes, I think so.

Q. Does that refresh your recollection?

A. I think so. I'm not sure if it was that pass or not.

Q. The first stop that was made was made in Fresno, is that correct? A. Yes.

Q. About noon?

A. I guess so. I don't remember. Probably.

Q. Does that sound about right? [74]

A. About noon, yes, I guess so.

Q. And then you went south from Fresno, is that correct? A. Yes——

Q. That is, in the general direction of Los Angeles? A. Yes, to Delano.

Q. Did you go to Bakersfield? A. Yes.

Q. You stopped in Delano for a matter of a half an hour, is that correct?

A. Yes, it was about a half an hour.

Q. That was about three hours later, was it, which would make it mid-afternoon?

A. I really don't know.

The Court: I didn't hear you.

A. I don't know. I'm getting tired.

The Court: You're getting tired?

A. I forget all this stuff.

The Court: Do you want to take a little recess?

A. No, it's o.k.

The Court: All right.

Mr. Stout: Do you want a glass of water?

The Witness: No, I don't want none.

(Testimony of Constance Marie Bell.)

The Court: She doesn't want any. Go ahead.

Q. (By Mr. Stout): You stopped in Delano for a half an hour? A. Yes. [75]

Q. Did you subsequently ever stop at this same place on the—as you did on the occasion of your first visit to Delano?

A. You mean stop at the place that I worked at before?

Q. I will rephrase the question. Withdraw it, please.

Where was the place that you stopped at in Delano? A. It was at a drugstore.

Q. Oh, excuse me. You were with Judy?

A. Yes.

Q. You met somebody there?

A. She met them. I was there with her, but I didn't know the person.

Q. You met them, too, or him or her, too?

A. I met him, too, but I didn't know him.

Q. Was he introduced to you?

A. Yes, I suppose. Yes, he was.

Q. In what manner, by what description?

A. That he owned the drugstore, I think.

Q. Oh, I see. And from Delano where did you go on this trip?

A. I think I went to Bakersfield.

Q. How much distance is there between Delano and Bakersfield, a short distance, a long distance?

A. I don't think it's too far.

Q. How long did it take you to go from Bakersfield to Delano?

(Testimony of Constance Marie Bell.)

Mr. Sparrow: If your Honor please, I will object to that [76] as calling for the opinion and conclusion of the witness and it is dependent upon a great many factors, as to the speed and the manner of transportation.

The Court: Sustain the objection. On the further ground I don't see the relevancy of that.

Mr. Stout: It is only testing the witness' recollection, your Honor.

The Court: Well——

Mr. Stout: I will withdraw the question.

The Court: We are not concerned with distance between Fresno and Delano.

Mr. Stout: This is between Bakersfield and Delano.

The Court: Or Bakersfield, whatever it is. It is not the issue here. You can find that out by looking at any map.

Q. (By Mr. Stout): From Bakersfield where did you go?      A. I think Barstow.

Q. Barstow?      A. Yes.

Q. And did you stop in Barstow?

A. Yes, we stopped and asked directions and had coffee.

Q. Didn't you see anybody in Barstow that you subsequently met?      A. No.

Q. At a later date, that is.      A. No. [77]

Q. Then you went to Phoenix, is that right?

A. Yes, but we stopped along the way, but I don't know where.

Q. Did you sleep before you got to Phoenix?

(Testimony of Constance Marie Bell.)

A. No.

Q. You drove straight through? A. Yes.

Q. I gather that Mr. Ege was not with you at any time during this trip, just you and Judy, is that right? A. No, he wasn't with us.

Q. Before leaving for Phoenix did Mr. Ege give you a phone number? No, he didn't.

Q. Did he give you the name of any person in Phoenix? A. No.

Q. Did he tell you where you were to go in Phoenix when you arrived?

A. Just that Joe Boyd was going to—to go to his place.

Q. You recall to your mind that two questions before I asked you: Were you to contact anybody in Phoenix? Your answer was no.

Is that answer now an amendment to that answer?

Mr. Sparrow: I think, if your Honor please, the question was whether or not Ege had given her a telephone number to call in Phoenix.

The Court: Let her answer the question. [78]

Do you have the question in mind?

A. Yes. I was told that I was going to go to Joe Boyd's house but I didn't know how to get in touch with him.

Q. (By Mr. Stout): Who told you, Judy, that you were going to Joe Boyd's house?

A. No. I mean, we both—I mean, she knew she was going and I knew I was going.



(Testimony of Constance Marie Bell.)

Q. And Judy told you that's where you were going, isn't that right?      A. No.

Q. That isn't right?

A. (Witness shakes head in the negative.)

Q. Was the name Joe Boyd mentioned to you in San Francisco by Eddie Ege as the name Joe Boyd or was some other name used?

A. No, his name was used.

Q. His name, Joe Boyd's name, was used by Eddie Ege.

A. He owned the house before——

Q. Excuse me, that isn't what I am asking. Eddie Ege named Joe Boyd in San Francisco, is that correct?      A. Yes.

Q. As the person whom you were to contact upon arrival in Phoenix?

A. I wasn't to contact him. I was just to go to his house there.

Q. As the person to whose house you were to go?

A. Yes. [79]

Q. Did he tell you——

Mr. Hagerty: Our objection still run through the cross-examination.

The Court: That's correct.

Q. (By Mr. Stout): Where did he say Joe Boyd lived?

A. I mean, just that the place was in Phoenix, Arizona. I mean——

Q. Did he give you a street address and a number of a street?      A. No.

Q. Did he write it down on a slip of paper?

(Testimony of Constance Marie Bell.)

A. No.

Q. He just said: Joe Boyd, Phoenix, Arizona, is that it?      A. Well, yes.

Mr. Sparrow: I believe if counsel had waited for the witness to stop before asking the next question, he would have heard the witness say Scottsdale and not Phoenix.

Mr. Stout: Thank you. May I have the answer read?

(Answer read back by reporter.)

Mr. Sparrow: The previous question was the question to which I was addressing myself.

Mr. Stout: May I have read, because——

The Court: Read it, Mr. Reporter.

(Record was read.)

Mr. Stout: That is what I heard the witness say, [80] Phoenix.

Mr. Sparrow: She said Scottsdale, Arizona.

The Court: You heard the witness say that?

Mr. Sparrow: Yes, your Honor.

Mr. Hagerty: That isn't my understanding of the record. I didn't hear it.

The Court: I didn't hear it.

A. Well, I did say it.

The Court: Did you go to Scottsdale or not?

A. Well, it wasn't Scottsdale that I was going to, but I was—I mean, when we went to Phoenix, it was in Phoenix that Judy was going to call Scottsdale or the motel there. I mean, they asked me questions that—I mean, that's—I mean, I an-

(Testimony of Constance Marie Bell.)

swer them and then they sound like I'm contradicting myself, the way he puts it.

The Court: That's all right. You're doing fine. Now, don't you allow these gentlemen—they are not trying to confuse you. They have a duty to perform to their clients, you understand.

A. I know. They're twisting me around.

The Court: They're not trying to embarrass you. They are only trying to perform their duties under their oath, you appreciate that? A. Yes.

Q. Are you getting tired? [81]

A. Oh, I can go on.

Q. You can go on. Now, talk about the Scottsdale situation. In other words, as I understand it, you were told by Ege when you got to Phoenix you were to go to Joe Boyd's house, is that right?

A. Yes.

The Court: Mr. Ege told you?

A. Yes.

The Court: You didn't know where Joe Boyd's house was, did you?

A. Well, I didn't know exactly where it was. I mean the address or anything. But it was on the outskirts of Phoenix and Scottsdale.

The Court: Scottsdale? A. Yes.

The Court: He had told you that it was on the outskirts of Phoenix?

A. Yes. I mean, I can't remember—I don't know how we got wind of it.

Mr. Stout: I didn't hear your question nor the answer.

The Court: You didn't hear my question?

(Testimony of Constance Marie Bell.)

(Record was read.)

The Court: All right, you take it from there.

Q. (By Mr. Stout): Is Scottsdale a suburb? That is, is it directly alongside of Phoenix, [82] Arizona?

A. I am pretty sure it is. I know it's not very far from Phoenix. It's not more than fifteen or—fifteen minutes to a half an hour drive. I know that. So it couldn't be very far.

Q. Are there houses that go from Phoenix all the way over to Scottsdale? In other words, is it continuously built up? You see, I don't know this, and I have to ask you these questions.

Mr. Sparrow: If your Honor please, I don't see where there is any relevancy in the question, and I will object to it on that ground.

The Court: Tell me this, when you got to Phoenix, Arizona, what did you do?

A. Judy made this phone call. She had the phone number to call Joe Boyd—

Mr. Stout: Excuse me, may I interrupt?

The Witness: Pardon?

Mr. Stout: Does your Honor want her to continue with that answer?

The Court: I am going to ask a few questions.

Mr. Stout: Sorry to interrupt.

The Court: Judy had the phone number to call Joe Boyd, is that right?

A. Yes, sir.

Q. Did she call him? [83]                      A. Yes.

The Court: Did she get him on the phone?

(Testimony of Constance Marie Bell.)

A. Well, the first time she called, she didn't get him on the phone. He had left a message, I think, to call some place else.

The Court: Were you present when she telephoned to him?

A. I was in the restaurant, yes.

The Court: And then you went to a coffee shop, did you not?

A. I think we were in a restaurant, in a coffee shop, when we called.

The Court: At the time you made the phone call?

A. Uh-huh.

Q. And when you made that phone call you were told to go to some maid's house, you told us on your direct examination, is that right?

A. Yes.

Q. (By the Court): And you did go to the maid's house? A. Yes.

Q. Was that in Phoenix?

The Court: You stayed there a few minutes, is that right? A. Yes.

Q. And then the maid and her husband drove you to Scottsdale, [84] is that right? A. Yes.

The Court: And there was a girl there and another girl by the name of Ginger, is that right?

A. Yes.

The Court: And then you saw Joe Boyd, is that right?

A. Well, not immediately. Later on that day I saw him.



(Testimony of Constance Marie Bell.)

The Court: That is what I mean.

A. Uh-huh.

Q. And that was a regular house on the outskirts of Phoenix or Scottsdale? A. Yes.

Q. You said it was in the desert?

A. There's sparse—sparsely——

Q. Sparsely settled around there, is that right—is that what you mean? A. Yes.

Q. And you slept all day the first day because you were tired after your journey, is that right?

A. Uh-huh.

Q. And then you went to work, engaging in prostitution the following day, is that correct?

A. I might have gone that evening. I think I was up, but I don't know. I don't remember if I did.

Mr. Stout: What was that? [85]

The Court: "I might have gone that evening. I don't remember."

A. I slept all the rest of the day.

The Court: You mean you might have gone to work that evening?

A. That evening, yes.

The Court: I think that covers that situation sufficiently. Let's go on to something else.

Mr. Stout: May I just go back and ask a couple of questions with reference to the phone conversation in the restaurant—May it please the Court——

The Court: All right.

Q. (By Mr. Stout): You were not present at the time that Judy called the number in Phoenix, were you? A. I was in the restaurant.

(Testimony of Constance Marie Bell.)

Q. You were in the restaurant, the phone booth, the phone was some distance from you, was it not?

A. Yes.

Q. You did not hear what Judy said to the person with whom she had the telephone conversation?

A. I didn't hear it at the time she was phoning, but she told me afterwards.

Q. She told you what the substance of the discussion was, is that correct? A. Yes. [86]

Q. Did Judy have the telephone number on a slip of paper, or did she use the normal telephone directory for the purpose of determining the number? A. She had it on a piece of paper.

Q. She did?

A. (Witness nods affirmative).

Q. You had seen that piece of paper beforehand?

A. No, I don't think so. She took it out of her wallet.

Q. Had you ever seen Eddie Ege give her a phone number on a piece of paper in San Francisco before you went to Phoenix?

A. I don't remember.

Q. Did you ever see Eddie Ege write any directions of any nature or description in your presence about this trip to Phoenix? A. Write, no.

Mr. Stout: Thank you, your Honor. That covers that.

The Court: All right.

Q. (By Mr. Stout): Should we ascertain the

(Testimony of Constance Marie Bell.)

month that this visit—or this first visit to Phoenix was?

Mr. Sparrow: If your Honor please, that has been asked and answered.

The Court: Sustained.

Q. (By Mr. Stout): Can you tell us in what portion of October this visit was to Phoenix and Scottsdale?

A. I think it was around the first of October, between the [87] 1st and the 15th.

Q. Did you receive money at the end of each evening's or each day's activity?

A. Yes, I did.

Q. What did you do with the money? Did you keep it? A. Yes.

Q. I think that you said during the course of the time you were there that you received some seven or eight hundred dollars, is that correct?

A. Not there.

Q. Not there. Well let me ask you this. I can't recall from my recollection how long you were in Scottsdale. Can you tell me again?

A. I was there, oh, a week to ten days. No, wait a minute. I could have been there two weeks because I was sick there for a couple of days. I know I worked some. I don't remember——

Q. Beg your pardon?

A. I would say about a week to ten days.

Q. How much did you earn during that period?

A. Well, not too much, because the business wasn't too good.

(Testimony of Constance Marie Bell.)

Q. A couple of hundred dollars?

A. I would say maybe a couple of hundred dollars.

Q. Was this Ginger that you saw in Scottsdale the same Ginger that you had seen in Folsom, or is this another Ginger?

A. It was another Ginger. [88]

Q. I take it that this was another Ginger than the Ginger that you knew in San Francisco, right?

A. Yes. Well, the Ginger that I knew in—that I had met in San Francisco and the Ginger that was in Folsom were one and the same.

Q. They were one and the same and they were both different from the Ginger in Scottsdale?

Mr. Sparrow: If your Honor please——

A. She was different from the one in Scottsdale.

Mr. Sparrow: Counsel said—characterizes “they are both different from the one in Scottsdale.” She said that the Ginger in Folsom and the Ginger in San Francisco was one person.

The Court: Is that right?

A. Yes.

Q. (By Mr. Stout): Did you know the phone number of 395 Monterey Boulevard here in San Francisco?

A. I knew it at one time, but I can't say it now.

Q. Did you know that phone number when you were in Scottsdale, Arizona?      A. Yes, I did.

Q. Did you yourself call from Scottsdale, Arizona to San Francisco?

A. Not from Scottsdale, no.

(Testimony of Constance Marie Bell.)

Q. Or from Phoenix, either one. [89]

A. From Phoenix.

Q. You yourself called?

A. I called San Francisco, but I didn't call out to Monterey Boulevard.

Q. You did not? A. No.

Q. Did you call the Club Sarong here in San Francisco for the purpose of contacting Mr. Ege?

A. Uh-huh.

Q. Is that right? A. Yes.

Q. About how many days was it after you were in Scottsdale that you had this conversation?

A. It wasn't after I was in Scottsdale. It was before I went to Scottsdale.

Q. While you were in Phoenix?

Mr. Sparrow: Asked and answered, if your Honor please. I will object to it on that ground.

The Court: Where were you when you had this conversation?

A. I was—I didn't have a conversation in Phoenix. I made the call.

Q. (By Mr. Stout): Where?

A. Pardon?

Q. Where did you make the call?

A. In Phoenix. [90]

Q. Yes. A. At the maid's house.

Q. At the maid's house?

A. (Witness nods affirmatively.)

Q. That was how many days after you had been either in Phoenix or Scottsdale?



(Testimony of Constance Marie Bell.)

A. It was the day that I arrived in Phoenix, the first.

Q. You subsequently had another telephone conversation with Ege after—that is, one that occurred after your arrival in Phoenix and Scottsdale, is that correct? A. Yes.

Q. All right. Now, that conversation was how many days after the date of your arrival?

A. Oh, if I had been there two weeks or so, it must have been two weeks or so after I was there.

Q. That's the best of your recollection?

A. Between a week and two weeks.

Q. All right. Can you tell me whether you placed the call or whether the call was placed to you?

A. The call was placed to me.

Q. To you?

A. (Witness nods affirmatively.)

Q. Where were you at the time you received that call? A. In the gas station.

Q. And that gas station was in Phoenix or in Scottsdale? [91]

A. It was in Scottsdale.

Q. In your first conversation with Ege—I am going back to the previous one that you related to us as having occurred upon your arrival, the one that you made at the maid's house, according to your testimony—did you receive instructions from Ege that he was going to place a call to you at a gas station? A. No, not there I didn't get it.

Q. Not at that time? A. No.

Q. Did you receive a letter from Ege to the

(Testimony of Constance Marie Bell.)

effect that he was going to telephone you at a gas station, a service station?      A. No.

Q. From whom did you receive those instructions?      A. Judy told me.

Q. Judy. And that was at the place in Scottsdale that these instructions were given to you?

A. I am pretty sure it was Scottsdale.

Q. Was anyone present in the gasoline station at the time this conversation was had by you with Mr. Ege? Was Judy along?      A. Yes.

Q. She was along. Did she likewise talk to Mr. Ege in this same telephone conversation?

A. No, I don't think so. [92]

Q. Just you?      A. Uh-huh.

Q. But she was close by, is that the answer?

A. No, she was in the car.

Q. Did Mr. Ege tell you to tell Judy to go to Delano, too?      A. No.

Q. He just told you to go to Delano, is that correct?      A. Uh-huh.

Q. Had you given Ege any portion of the money that you had earned while you were in Scottsdale prior to leaving Scottsdale and going by plane to Los Angeles?

A. No, I hadn't given him any of it.

Q. You went by air from Phoenix, you have said?      A. Uh-huh.

Q. Can you tell me what line?

A. I think it's TWA or United, either one; I don't know which one goes through. I think it's TWA.

(Testimony of Constance Marie Bell.)

Mr. Hagerty: What was that?

The Court: "I think it was TWA or United."

I don't see what difference it makes. She got there in an airplane.

Q. (By Mr. Stout): After you got to Los Angeles, as I understand it, you made a telephone call, is that correct? A. Yes.

Q. Where had you obtained that number that you subsequently [93] called?

A. From Eddie.

Q. In that conversation that you had with him while at Scottsdale? A. Yes.

Q. You went by plane from Los Angeles to Bakersfield, am I correct? A. Yes.

Q. While you were in Delano you have told us that you were working a house of prostitution there, is that correct? A. While I was in Delano?

Q. Yes.

A. Yes, I worked in a house of prostitution.

Q. Have you told us the name of the madam of the establishment?

A. Well, it was known as Kitty's Place, but she wasn't there.

Q. Well, excuse me; I didn't ask you that. Who was there? A. Bobby.

Q. You have mentioned "Bobby" before. Is that the same Bobby who was in Folsom?

A. No, it was a different Bobby.

Q. How many girls were working at Kitty's Place?

A. Well, Bobby had been working until I got

(Testimony of Constance Marie Bell.)

there and then when I was there I think another girl came in that evening. [94]

Q. You were there how long?

A. Oh, I was there a couple of weeks, too.

Q. Can you place the month?

A. It must have been the latter part of October and the first of November.

Q. Did anything occur to you that would cause that particular period of time to be in your mind?

A. Just that I know that it was September that all the other things happened and they didn't—

Q. So it is by the process of the addition of weeks onto that?

A. Yes, because I was out of the business the first of the year, '54, so—

Q. Out of what? The rackets?

A. Well, I was arrested in the first part of '54.

Q. That was down the Valley, is that correct, at Barstow?

A. No, no, it was here in the city.

Q. Oh, I see. Excuse me. How many girls were working in Delano while you were there?

A. While I was there, altogether there was about four or five.

Q. You have named for us Kitty and yourself—

A. Kitty wasn't.

Q. Excuse me. I am sorry. I take that back. I don't want to confuse you. I did that inadvertently. Bobby—you have [95] named Bobby.

A. Uh-huh.

Q. And yourself.                      A. Uh-huh.

(Testimony of Constance Marie Bell.)

Q. What other girls were there?

A. There was two other girls, but I can't remember their names.

Q. You were with those girls for two weeks?

A. Well, I think one's name was Dolly.

Q. Pardon? A. Dolly.

Q. Dolly?

A. Uh-huh. And the other girl had an odd, foreign name. I can't—I mean, I can't remember.

Q. You have no recollection of the other girl's name? A. No.

Q. How long was this foreign named girl there? Was she there the entire time that you were there?

A. I don't think so. I think she came about a week or so after I was there.

Q. How about Dolly? Was she there the entire time?

A. She was there most of the time, yes. She was there a day or two after I was.

Q. And Bobby was likewise there most of the time?

A. Bobby was there before I was. [96]

Q. Was Judy anywhere about Delano at that time?

A. Well, she—not when I first got there, but she did get there later on, about a week.

Q. About a week later?

A. I think about a week or maybe less than that.

Q. Did she come by her Oldsmobile?

A. Yes, she had to drive her car.



(Testimony of Constance Marie Bell.)

Q. She didn't work at Kitty's Place?

A. No.

Q. Did you see her while you were in Delano?

A. No, but I got a message from her.

Q. You never even talked to her while you were in Delano?

A. I talked to her on the phone once.

Q. But you never saw her?

A. No, I didn't.

Q. You never turned any of your earnings over to Judy while you were in Delano? A. No.

Q. When you saw Mr. Ege some time after having been in Delano, didn't you tell Mr. Ege that you had given the money that you had earned to Judy? A. No.

Q. That isn't a fact?

A. You say that I said that I gave my money to Judy?

Mr. Sparrow: That assumes something not in evidence, if [97] your Honor please, and I will object to it on that ground.

The Court: Overruled. But I suggest you change its form.

Q. (By Mr. Stout): Is it not a fact that you told Mr. Ege when you saw him in Fresno that you had given your money to Judy, the money that you had earned in Delano?

A. I never gave him (sic) no money.

Q. Did you tell him that you did? A. No.

Q. What did you do with the seven or eight hundred dollars?

(Testimony of Constance Marie Bell.)

A. Well, parts of it I had spent on different things like——

Q. For yourself?

A. For myself and the other part I gave to him.

Q. And how much of that seven or eight hundred dollars was it that you gave to Mr. Ege?

A. A couple of hundred dollars, about three or four.

Q. Three or four hundred?

A. Yes. I am not sure.

Q. Pardon? You dropped your voice.

The Court: "I am not sure."

Q. (By Mr. Stout): How did you go from Delano to Fresno?

A. How did I go? From Delano to Fresno?

Q. Yes, ma'am.

A. I went in a taxicab.

Q. That's about a hundred miles, isn't it? [98]

Mr. Sparrow: If your Honor please, I will object to the question as irrelevant, incompetent, immaterial.

The Court: Sustained.

Mr. Sparrow: Also calls for opinion and conclusion.

Q. (By Mr. Stout): How much did it cost you to go from Delano to Fresno, if you know?

Mr. Sparrow: If your Honor please, I will object to that as having—not tending to prove or disprove any of the issues of this case.

The Court: Sustained.

(Testimony of Constance Marie Bell.)

Q. (By Mr. Stout): Where did you go when you got to Fresno?

A. I went to my sister's.

Q. Does she live in Fresno? A. Yes.

Q. Did you make a phone call from your sister's place to 395 Monterey Boulevard? A. No.

Q. In what manner did you communicate with Mr. Ege to tell him that you were in Fresno at your sister's?

A. Oh, he knew that my sister lived in Fresno on that Blackstone——

Q. I haven't asked you that.

A. He knew that she lived there and he came up and got me.

Q. You had not communicated with him?

A. I am pretty sure I had not, no. [99]

Q. After he came to Fresno, he took you back to San Francisco, is that correct? A. Yes.

Q. Can you place that month for me and in what portion of the month?

A. It was before Christmas.

Q. In December or in November?

A. In November.

Q. The latter part of November or the early part or what?

A. I forget. It was about the middle of November, some place around there; I am not too sure. It was in November some time.

Q. I am sorry?

(Testimony of Constance Marie Bell.)

A. It was in November some time. I am not sure when.

Q. Did you go to Isleton during the period of time that you were with Eddie Ege?

A. Yes, I was in Isleton.

Q. What month was that?

A. I can't remember. I think it was—I think it was around in November.

Q. You said you were in Sacramento.

A. (Witness nods head in affirmative.)

Q. Is that correct? A. Yes.

Q. In Sacramento County? [100]

A. Pardon me?

Q. In Sacramento County?

A. It was in one of the counties. I think Yolo County. They call it Sacramento. I am not sure if they do or not.

Q. What town, can you tell me?

A. I think it was in Yolo.

Q. Pardon? A. Yola (sic).

Q. Eola (sic)? A. No. Yola (sic).

The Court: She means Yolo.

Q. (By Mr. Stout): Yolo City or Yolo County, can you tell me?

A. I don't know. Yolo.

Q. Y-o-l-o? A. Yes.

Q. All right. Now, that is the name of the county. Let's establish that between ourselves. Now, what town? A. Yolo. I don't—

Q. How far from Sacramento was that?

(Testimony of Constance Marie Bell.)

Mr. Sparrow: Are you talking about Sacramento County or the City of Sacramento?

Mr. Stout: I am talking about the city of Sacramento, Mr. Sparrow.

A. I don't recall how far it is. [101]

Q. (By Mr. Stout): Was it near Woodland?

A. No, I don't think it's that far away from Sacramento.

Q. Are you familiar with Sacramento, the city of Sacramento, that is? A. Not too well.

Mr. Sparrow: I will object to this line of questioning as irrelevant, incompetent, immaterial, and not tending to prove or disprove any of the issues of this case.

The Court: The objection is sustained. The issue of the witness' knowledge of geography or lack of it is not before this jury.

Q. (By Mr. Stout): This place to which you went that you have described as Yolo, where with reference to Sacramento was it?

Mr. Sparrow: Object to the question on the same ground.

The Court: I will let her answer that if she can.

A. Well, it isn't too far. It couldn't be much farther than five miles away from the heart of the city.

Q. (By Mr. Stout): From the heart of the city of Sacramento? A. Uh-huh.

Q. How long did you stay at Yolo?

A. Not very long.

Q. A day? Two days?



(Testimony of Constance Marie Bell.)

A. Oh, no, about a week. [102]

Q. About a week? A. Yes.

Q. What was the name of the person who ran that establishment? A. Florence, I think.

Q. Florence? A. Uh-huh.

Q. Is Florence here in court?

Mr. Sparrow: I object to that question as irrelevant, incompetent and immaterial.

The Court: Sustained.

Q. (By Mr. Stout): Can you identify the lady other than by the name Florence?

A. No. I mean—I know that she's a big woman.

Q. How many girls were in the establishment operated by Florence?

Mr. Sparrow: If your Honor please, I will object to that as irrelevant, incompetent and immaterial.

The Court: Let her answer if she knows.

A. Not too many. Quite a few.

Q. (By Mr. Stout): Pardon?

A. Quite a few, I would say. I can't say exactly.

Q. I can't tell what "quite a few" is. Would you enlighten me?

A. About eight, I would say. [103]

Q. Eight?

A. Yes. I am not sure, though.

Q. Was Judy there? A. No.

Q. Was Ginger of Folsom or San Francisco there? A. No.

Q. Was Ginger of Scottsdale there?

A. No.

(Testimony of Constance Marie Bell.)

Q. Were any girls there whose names you have previously given to us? A. No.

Q. How much did you earn while you were in Yolo? A. Not too much.

Q. How much

A. Maybe a hundred dollars or so.

Q. You were there a week? A. Uh-huh.

Q. What did you do with the hundred dollars?

A. I brought it home.

Q. And gave it to Mr. Ege? A. Yes.

Q. Is that right? A. Yes.

Q. Now, at Isleton, how long were you in Isleton? A. I don't know. About a week. [104]

Q. A week? A. Yes.

Q. Was that in December?

A. I remember I was there.

Q. Was that in November or December?

A. Huh?

Q. Was that in December or November of 1953?

A. It must have been around—I don't know any more; I forget.

Q. How many girls were in the establishment in Isleton?

A. I don't know. Maybe myself and another.

Q. What is the name of the person who operated the Isleton establishment? A. Ginger.

Q. The Ginger of Folsom and San Francisco?

A. No.

Q. The Ginger of Scottsdale? A. No.

Q. How much did you earn while you were working for Ginger of Isleton? A. Not much.

(Testimony of Constance Marie Bell.)

Q. Your best estimate.

A. About \$50 or so, I am not sure.

Q. What did you do with that money?

A. I think I kept it. [105]

Q. You testified on direct examination in response to a question by Mr. Sparrow that you gave that money to Ege, is that correct?

A. I don't know. I am just getting so——

Q. A man is on trial here. I have to ask these questions.

Mr. Sparrow: If your Honor please, I will object to these speeches——

The Court: Never mind the extra-curricular remarks, counsel.

The Witness: What has that got to do with his trial, being on trial?

The Court: Just a moment. Just a moment: Just calm yourself. Now take it easy. You have been doing very nicely. Just answer the gentleman's questions. If you don't remember, just say so. Don't let him get you excited. I'll protect you. That is what I am here for.

Mr. Stout: I hope she doesn't need protection, your Honor.

The Court: If she does, she will get it.

Mr. Stout: I won't put her in a spot where your Honor will have to protect her. I assure you of that.

The Court: You better not.

Mr. Stout: I wouldn't under any circumstances. I don't try my cases that way.

(Testimony of Constance Marie Bell.)

The Court: Go ahead and ask your next [106] question.

Mr. Stout: My next question was with reference to your direct examination here this afternoon in response to questions—this morning in response to questions by Mr. Sparrow. A. Yes.

Q. Did you tell Mr. Sparrow at that time—isn't it a fact that you told Mr. Sparrow this morning that you had given the money to Ege?

A. Is it?

Q. Did you? A. Did I?

Q. Well, what is the fact?

A. I don't remember. You have got me so mixed up now I don't even know what I am talking about.

The Court: We are going to take the recess. You go home and compose yourself and don't worry about anything, and come back tomorrow morning at 10:00 o'clock refreshed. You understand? You understand what I am saying?

We will take a recess now, ladies and gentlemen of the jury, until tomorrow morning at 10:00 o'clock. In the meantime, you are urged and admonished to follow the admonition of the Court not to discuss the case among yourselves or with anybody else and not to form or express any opinion about it until it is finally submitted to you.

Now, you may retire. I have a matter to take up with counsel out of the presence of the jury. [107]

(The jury was excused.)

(Testimony of Constance Marie Bell.)

(Thereupon, out of the presence of the jury discussion between the Court, counsel and the witness relative to the witness' emotional distress and reluctance to testify because of possible retaliation.)

(Thereupon, an adjournment was taken to tomorrow, Tuesday, September 27th, 1955, at 10:00 o'clock a.m.) [108]

September 27, 1955—10:00

The Clerk: United States of America vs. Ege, Boyd and Bruno, for trial.

The Court: You may proceed.

Cross-Examination  
(Resumed)

By Mr. Stout:

Q. Are you familiar with the Westlake District which immediately adjoins San Francisco?

A. No, I am not.

Q. You are not familiar with that district?

A. I have been there but I am not—I don't know it, the streets or anything.

Q. Did you go to that district during the time in question in this case, that is, during the month of September, 1953?      A. I can't remember.

Q. Do you recall—perhaps this will refresh your recollection—that Judy Berg has a mother who lives in that district?      A. Is that Westlake?

Q. Yes.



(Testimony of Constance Marie Bell.)

A. Well, I was over to her mother's house but——

Q. You were over to her mother's house. Was that during this time in question, during September, 1953? A. I think so. I am not sure.

Q. All right. Now, is it not a fact that Judy has a small child who lives with her mother over there in the Westlake [110] district and whom you saw on your visit to that home?

A. There was a child there.

Q. And the child was introduced to you as a child of Judy, is that correct?

A. I think so. I am not sure.

Q. You stayed over at that address prior to going to Phoenix, Arizona, did you not?

A. I wasn't there any length of time.

Q. You were there at least two days, were you not? A. Not continuously, days, no.

Q. You lived—you spent the night there before you went to Phoenix, did you not?

A. One night.

Q. One night. Was that the night immediately before you left to go to Phoenix?

A. No, it wasn't

Q. What night was that?

A. I don't remember.

Q. However, it was after you left 395 Monterey Boulevard and before you went to Phoenix, was it not?

A. I was off and on from 395 Monterey Boulevard.

(Testimony of Constance Marie Bell.)

Q. Please try to answer my question, if you will.

A. I don't remember.

Q. Is it possible that from 395 Monterey Boulevard you went to this address, the home of Judy Berg's mother, before you [111] went to Phoenix, Arizona?      A. Before I went to Phoenix?

Q. Yes, ma'am.      A. Yes, I think so.

Q. Is it not a fact that it was there, from that house, that the phone calls were made and received from Phoenix, Arizona, and not from 395 Monterey Boulevard?

A. I have no way of knowing about her phone calls.

Q. You are talking about Judy?      A. Yes.

Q. Is it not a fact that you know of your own knowledge, that you were so told by Judy, that she had been in contact with Phoenix, Arizona, while you were staying at that location?      A. No.

Q. She did not tell you?      A. No.

Q. As I understand it, after you left Phoenix, or after you left Scottsdale you went to Delano, is that correct?      A. That is right.

Q. And then——

Excuse me. Did your Honor interrupt?

The Court: No.

Mr. Stout: I thought you had.

The Court: I dropped my glasses. Do you have any objection to that? [112]

Mr. Stout: Your Honor, I heard some noise; I couldn't ascertain its location.

The Court: Go ahead.

(Testimony of Constance Marie Bell.)

Q. (By Mr. Stout): Let's go back again and see if we can't pick up that train. You went from Delano to Fresno to your sister, is that correct?

A. Yes, I think.

Q. Will you tell me, if you will, when it was that you told Eddie Ege of your sister and her address in Fresno?

A. I don't remember when.

Q. Is it not a fact that on no occasion did you tell Eddie Ege that you had a sister who lived in Fresno?

A. I did, too, and he knew it because my sister could prove it.

Q. Tell me when.

A. I don't remember when.

Q. Was it before he came to Fresno or after he came to Fresno?

A. I don't remember.

Q. Is there something about that detail that causes you to be unable to remember?

A. Your making a liar out of me, that's why.

Q. I will not comment. After you were in Fresno you came back to San Francisco, is that correct?

A. Yes. [113]

Q. And you went to 395 Monterey; is that likewise not again true?

A. Eddie brought me back to 395 Monterey.

Q. All right. After you were brought back to San Francisco, as I recall your testimony, you went from there to Barstow, California, is that correct?

A. I can't remember if it was exactly then I went to Barstow or if I went some place else in between.

(Testimony of Constance Marie Bell.)

Q. In between? A. Yes.

Q. But it was after you returned from Fresno that you went to Barstow, whether it was the next successive trip or something else intervened you are not sure? A. Yes.

Q. All right. Does the trip to Suisun precede or follow the trip to Barstow?

A. It was after I went to Barstow.

Q. It was after?

A. (Witness nods head in affirmative.)

Q. Was it then after you were in Las Vegas?

A. Yes.

Q. What month and in what year would you place that, can you tell me?

A. It was after the first of the year.

Q. After you had separated and were no longer in the company [114] of Eddie Ege, is that correct?

A. I imagine so.

Mr. Stout: Your Honor, may we note for the record that this testimony was elicited and is not binding upon the defendant at this time because it occurs after the dates set forth in the indictment.

The Court: If the testimony shows that, why, the record will so reflect.

Mr. Stout: I would like to reserve a ruling on that until the conclusion of the testimony, in accordance with your Honor's statement of yesterday.

Q. Can you tell me with whom you went to Barstow? Can you give me any names?

A. There was a girl named Candy.

(Testimony of Constance Marie Bell.)

Q. Again, please? A. A girl named Candy.

Q. C-a-n-d-y? A. Yes.

Q. All right.

A. There were two other girls, but we got in an accident and they left immediately.

Q. I want to ask you about that accident. What was the name of the man? Do you know his name? Can you recall that? A. No, I have forgotten.

Q. And there was an accident between San Francisco and [115] Barstow? That is correct, is it not?

A. Yes.

Q. And in that accident, as I recall, the other two girls were hurt, as well as the man who was the driver, is that right? A. Yes.

Q. And you received superficial injuries, that is, very small injuries? A. Yes.

Q. And you were able to proceed on to Barstow?

A. Yes.

Q. While the others, I think, had to be hospitalized? A. No, they all went to Barstow, too.

Q. They all went to Barstow? A. Yes.

Q. They——

A. They weren't critically injured.

Q. Pardon?

A. They weren't critically injured. None of them went to the hospital or——

Q. No one went to the hospital? It was just the question of bandaging or a few things like that?

A. Yes, we went for first aid.

Q. Can you tell me approximately when it was that you arrived in Barstow, the month? Was it the



(Testimony of Constance Marie Bell.)

latter part of [116] November, the early part of December?

A. It was in November, I am almost sure; the beginning of December, I can't remember when.

Q. Around in those two months?

A. Somewhere in there.

Q. The beginning of December or the latter part of November? A. Somewheres in there, yes.

Q. And that, of course, is 1953? A. Yes.

Q. Now, as I understand it, from what you testified to yesterday, you left from 395 Monterey Boulevard to go to Barstow, is that correct? A. Yes.

Q. The man in whose car you rode, did he come to 395 Monterey Boulevard to pick you up?

A. Yes.

Q. And it was from there that you went to the Club Sarong on Geary and had this meeting, the meeting there, with the other two girls, one of whom you have identified as Candy? A. Yes.

Q. Was Ege present at the time you left?

A. Yes, from his home.

Q. From 395 Monterey? A. Yes.

Q. Can you tell me conversations that you might have had [117] with Ege at or about that time immediately prior to your leaving for Barstow?

A. Nothing that amounts to anything. I don't think I—I can't remember anything.

Q. At one time you did know the name of the man who drove the car, is that correct?

A. At one time did I know his name?

Q. Yes.

(Testimony of Constance Marie Bell.)

A. Yes, I did, but I can't remember it.

Q. Who introduced you to that man?

A. Eddie.

Q. Pardon? A. Eddie.

Q. At 395 Monterey?

A. Yes, that's the first time I ever saw him.

Q. I see. Did he tell you at the time of the introduction or prior to that introduction the purpose for which you were to meet this man?

A. On that day he came home, he told me that I was going to Barstow, that this fellow came in from Barstow, and we were going to go up there to work—that I was, anyway.

Mr. Stout: Give me that again. May I have that answer read back, your Honor?

(Answer read.)

Q. (By Mr. Stout): Did you work in Barstow for any [118] appreciable period of time, days, weeks, month?

A. I would say a week at the longest. I mean, yes, about a week or so; I don't remember now.

Q. You made some money? A. Well, yes.

Q. Can you tell me how much you yourself made?

A. Oh, about a hundred dollars or so.

Q. Did you keep that money?

A. Maybe more. No, Eddie came by and got it.

Q. That was the time you went to Las Vegas?

A. No. On his way into Las Vegas he stopped by there and picked it up.

(Testimony of Constance Marie Bell.)

Q. Can you place that trip, the date of that trip for me?

A. No, I can't. Some time in between all these other times. I mean, what I have already said.

Q. He went on, then, from Barstow and left you there, is that correct?

A. He came in to Barstow on his way to Las Vegas. I was in Barstow working and he stopped by and got that money.

Q. And went on? A. And went on.

Q. And left you behind?

A. Yes. I was working there still.

Q. I see. Now, how many days after Mr. Ege's trip was it that this raid that you have described occurred? [119]

A. I think about two days or three maybe.

Q. You were arrested, is that correct?

A. Yes.

Q. You made bail?

A. Yes. I didn't make it, but somebody made it for me.

Q. Somebody put up the bail for you?

A. Yes.

Q. Where did you go after that episode?

A. Well, I went—I called home and then I went back to this place—wait. Yes, the first night that we made bail we went back to this other place, and then——

Q. Are you talking about the place in Newberry?

A. In Newberry, yes.

(Testimony of Constance Marie Bell.)

Q. Yes.

A. Then I—we went back the next day and made—we had to get out of town.

Q. All right. It was from there, from Newberry that you went to Las Vegas, is that correct?

A. From Barstow.

Q. From Newberry or Barstow? A. Yes.

Q. You went to Las Vegas?

A. From that house there.

Q. Yes. All right. Now, place, if you will, for me that date, approximately. [120]

A. Like I said, somewhere in November.

Q. How close——

A. The first of December, I don't remember.

Q. How close to Christmas was it?

A. It wasn't very far because I was home for Christmas.

Q. And "home," you mean here in San Francisco? A. No, with my sister.

Q. I see. In Fresno? A. Uh-huh.

Q. Now, tell me this: What means of transportation was utilized from Newberry or the—to Las Vegas? Was that a car? A. Yes.

Q. And was this the Cadillac again? A. Yes.

Q. The same Cadillac or a different one?

A. The same one.

Q. And you went to Las Vegas, is that correct?

A. Yes.

Q. And Mr. Ege drove you to Las Vegas; is that likewise not true? A. Yes.

Q. All right. Now, had you ever been to Las Vegas before? A. No.

(Testimony of Constance Marie Bell.)

Q. And how long did you stay in Las Vegas on the occasion of that visit? [121]

A. Just about two days or so.

Q. Two days? A. Or three.

Q. You have told us before that you left Las Vegas by bus. Is that so? A. No.

Q. Do you recall how you left Las Vegas?

A. Oh, left Las Vegas. I beg your pardon. I left Las Vegas by bus, yes.

Q. By bus? A. Yes.

Q. After you had quarreled with Mr. Ege?

A. Pardon?

Q. After you had quarreled with Mr. Ege.

A. Yes.

Q. You said that you went to a place called Roxy's, is that correct? A. Yes.

Q. Had you ever seen Roxy's before?

A. No.

Q. Can you describe those premises for me?

A. It's just——

Q. Where is it?

A. I mean, what I can recall of it, it is just a great big—like a camp, like. [122]

Q. Camp?

A. Not a camp, but it's like a—a little place all on its own. I mean, it's like a little——

Q. Is it in the town portion of Las Vegas?

A. No, it's further out.

Q. It's further out? A. Uh-huh.

Q. Are there any buildings around it?

A. I don't think so.



(Testimony of Constance Marie Bell.)

Q. It's all by itself. Is it a one story building or a two story building? Describe it from the size point of view, the height point of view.

A. I can't remember. I don't know whether it was one or two. It was one, like a little place all on its own. I mean, it was—I can't remember. It was—I only went there in the night and I left there the very next evening—I mean, that evening when I got off the shift.

Q. All right. Can you tell me any of the names of the people that you saw at Roxy's?

Mr. Sparrow: If your Honor please, I will object to this as incompetent, irrelevant and immaterial.

The Court: Objection sustained.

Q. (By Mr. Stout): Is there anything unusual about Roxy's that is recalled to your mind at this time?

A. Well, it's different than most places. [123]

Q. Do you recall anything unusual about the office of the establishment?

Mr. Sparrow: If your Honor please, I take it the purpose of the cross-examination is to test the witness' recollection. I think it has been sufficiently tested and I will object to the question as irrelevant, incompetent, immaterial.

The Court: Objection sustained.

Mr. Stout: May I be heard very briefly?

The Court: The court has ruled.

Q. (By Mr. Stout): Do you recall any clocks in the place, in the establishment?

(Testimony of Constance Marie Bell.)

A. Oh, no, I don't recall a clock.

Q. You don't recall any clocks?

A. I couldn't tell you whether a clock was out in the hallway.

Mr. Sparrow: Object to the question on the grounds it is incompetent, irrelevant and immaterial. Ask that the question and answer be stricken.

The Court: Sustained.

Q. (By Mr. Stout): Do you recall the price that was charged for any acts of prostitution in that establishment? A. \$5.00.

Q. How much?

A. I think it was \$5.00. I am not sure.

Q. Do you recall for what period of time that was to cover? [124]

Mr. Sparrow: I will object to that question as irrelevant, incompetent and immaterial.

The Court: The objection is sustained.

Mr. Stout: May I be heard briefly?

The Court: The Court has ruled.

Mr. Stout: Do I understand by your Honor's ruling that I am precluded from asking further questions on this particular subject?

The Court: I think that is a reasonable assumption.

Mr. Stout: That's what I am forced to deduce from your Honor's rulings and I wanted to ascertain that as a fact before I proceeded any further.

The Court: You may regard it as a fact.

Mr. Stout: Thank you.

(Testimony of Constance Marie Bell.)

Q. Do you recall—excuse me. Withdraw that in accordance with your Honor's ruling.

After you left this establishment did you return to Las Vegas itself? A. Yes, to get the bus.

Q. In a bus? A. I said to get the bus.

Q. To get the bus. A. When I left.

Q. Did you see Mr. Ege before you took the bus?

A. Yes, when I had the quarrel with him. [125]

Q. What?

A. When I had the quarrel with him.

Q. And can you tell me where the quarrel took place?

A. It was in some little place downtown. I don't remember where.

Q. In a bar? A. Yes.

Q. You have no recollection of the name?

A. No. It was a—I couldn't be sure, no.

Q. Going back, if I may, just briefly, to the house at which you stayed before going to Phoenix on the first occasion. A. Uh-huh.

Q. Judy's mother's house. Do I understand that you talked to no one on the telephone during that period of time, you personally talked to no one?

A. I may have talked to someone, I don't know.

Q. I will make it more specific. Did you talk to anyone with reference to the Phoenix-Scottsborough (sic) situation? A. No, I didn't.

Q. You did not?

A. (Witness shakes head in negative.)

(Testimony of Constance Marie Bell.)

Q. Did Mr. Ege, to your knowledge, know that you were at Judy's mother's house?

A. Yes, he did.

Q. Will you tell me how you know that to be a fact? [126]

A. Well, I left—I was at his house and she was going over to her house and he told me to take the ride with her, and I went over with her.

Q. I see.

A. That was the first time I had ever been there.

Q. And you stayed the night there?

A. No, not that time. I forget exactly when it was I stayed one night there.

Q. You don't recall that that was the episode that you stayed one night before you went to Phoenix at that establishment? That is the fact, is it not?

A. Yes, I am almost sure.

Mr. Stout: All right. I have no further questions.

### Cross-Examination

By Mr. Hagerty:

Q. Miss Bell, you worked for about a year and a half at the California Physicians Service, is that right?

A. Yes, I did.

Q. You were 17 when you started there?

A. Yes.

Q. Then you worked for the Wall Street Journal?

A. Yes.

Q. And how long did you work for them, do you know?

A. Not too awfully long.

(Testimony of Constance Marie Bell.)

Q. Well, can you reduce that to weeks, [127] months? A. Well, about a month maybe.

Q. And you were a clerk there for that firm?

A. Clerk-typist.

Q. And then you went to work for Hastings department store, is that right? A. Yes.

Q. How long did you work there?

A. Maybe a month or more. I am not sure.

Q. From there you left to become a dancing girl, is that right? A. Yes.

Q. In the Burlesque Follies?

A. I didn't leave from there. I mean immediately. I think there was a little time in there when I was just looking for work and then I went to the Follies.

Q. About how long would you say?

A. Maybe a month or so. Maybe more. I don't know.

Q. When do you think that you went to work as a dancing girl for the Burlesque Follies?

A. Probably—I only worked there about a week and it was probably in August, the latter part of August or somewhere around August, some place like that; I am not sure.

Q. That's in 1953? A. Yes.

Q. Could it have been July? [128]

A. No, because I was in Fresno in July, I think.

Q. Could it have been September?

A. It could have been. It could have been, I guess.



(Testimony of Constance Marie Bell.)

Q. It could have been September. You were married at this time, were you not?

A. No, I wasn't.

Q. When were you married?

A. In July of '54.

Q. In July of '54. You were not married at the time that you met Mr. Ege? A. No.

Q. And I believe you testified that Mr. Ege did not give you the telephone number to Mr. Boyd's place in Scottsdale; he gave it to Judy Berg, is that right?

A. He didn't—I can't say who—I can't say he gave it to her. But he didn't give it to me. I don't know how she got it. If I said that, I didn't mean it that way.

Q. You are certain he didn't give it to you?

A. Yes.

Q. And as a result, you never did have any telephone conversation—— A. No.

Q. ——with Mr. Boyd in Arizona?

A. No.

Q. I believe it is your testimony that when you arrived in [129] Arizona——

A. Pardon me?

Q. Just a minute. I will withdraw that. I said I believe it is your testimony, both on direct and cross-examination that when you arrived in Phoenix, Miss Berg made phone calls or various phone calls out of your presence, and subsequently you went to the home of a colored man and wife, I will say—— A. Yes.

(Testimony of Constance Marie Bell.)

Q. —and they drove you some place in Scottsdale, is that true? A. Yes.

Q. When you arrived there, you did not see Joe Boyd, did you? A. Not immediately, no.

Q. And you had never seen him before that, had you? A. No.

Q. But after your arrival there, a day or so or whatever it might have been, you did see him?

A. Yes.

Q. Can you tell us when it was you arrived at Scottsdale?

A. Some time in October or somewhere around—I don't remember when.

Q. Could it have been September?

A. No, I don't really know.

Q. You don't really know? [130]

A. I mean I know but it was—What are you trying to tell me? I wasn't there or something? I know where I have been, but I can't remember.

Q. Well, you have testified before the grand jury in this thing, haven't you? A. Yes.

Q. And you told them?

A. And I said somewheres around—I can't pinpoint a date or a time.

Q. Well, didn't you tell the grand jury that you had made a phone to Joe Boyd in Arizona?

A. No, I don't think I did.

Q. On the 22nd of October?

A. I told them on the 22nd?

Q. To the grand jury. Didn't you tell them that?

A. On the 22nd of October I made a call?

(Testimony of Constance Marie Bell.)

Q. To Joe Boyd in Arizona.

A. Oh, that's wrong because I couldn't say the 22nd of October of nothing.

Q. And you never made any phone call actually to Joe Boyd, did you? A. No.

Q. Your answer is no? You are shaking your head. A. "No."

Q. You have said that you were a week, ten days, two weeks [131] in Scottsdale, is that true?

A. I was there more than a week or—Between a week and two weeks, I am sure. Maybe a week or ten days, I can't remember.

Q. Are you sure of that?

A. Well, I know I was there and I worked a couple of days. I was sick a couple of days. I went to a doctor there. I went back to work and I left.

Q. Now, is it possible—could it be possible that you were there less than 48 hours?

A. Oh, no, definitely not.

Q. That is less than two days?

A. (Witness shakes head in negative.)

Q. That's utterly impossible?

A. Well, I know it is.

Q. Do you know the name of this colored couple that drove you from Phoenix to Scottsdale?

A. No, I don't.

Q. You don't know their names or anything?

A. (Witness shakes head in negative.)

Q. Do you know what kind of a car they drove?

A. No.

Q. Do you know the color of the house that they

(Testimony of Constance Marie Bell.)

took you to in Scottsdale?           A. No. [132]

Q. Your memory is pretty hazy about this whole thing, isn't it?

A. It's not that I am—that it's hazy. I have just tried to forget for so long that—two years is a long time for anybody to remember anything.

Q. Yes, I understand that. It is difficult. Tell me, when you were subpoenaed to appear in this case, the subpoena was served upon you here in this City and County of San Francisco, is that true?

A. This time here?

Q. Yes, to come here to court.           A. Yes.

Q. Where were you when it was served on you?

Mr. Sparrow: I will object to the question as irrelevant, incompetent, immaterial, if your Honor please.

The Court: Overruled.

A. Do I answer?

Q. (By Mr. Hagerty): Yes.

A. I was down on Ivy Street.

Q. That's at the Women's Detention Home, isn't it?

A. No. Well, it may be a detention home, but I wasn't in there. I had to go see a Miss Connelly there.

Q. And that is Miss Connelly of the San Francisco Probation Office?           A. Yes. [133]

Q. Who is with you here in court (indicating)?

A. Yes. I used to be on probation, but I'm not no more.

(Testimony of Constance Marie Bell.)

Q. Oh, I see. She is a friend of yours?

A. Yes.

Mr. Hagerty: Thank you. No further questions.

The Court: Mr. Campbell or Mr. McMillan?

Mr. Campbell: Yes, your Honor.

### Cross-Examination

By Mr. Campbell:

Q. Now, Miss Bell, I would like, if possible, to establish at least an approximation of the dates upon which some of the events that you have described allegedly occurred. As I understand it, however, you do not have any particular days or the month in mind, is that correct? A. Yes, sir.

Q. You did, however, place the time of year coming back from Las Vegas as being at Christmas time in 1953? A. Yes.

Q. Is that correct? A. Yes.

Q. And so that the time as to that, was that before, after or on Christmas that you returned from Las Vegas?

A. It was before Christmas, a day—not a day, maybe a few days.

Q. It could have been one or two days before Christmas, is that right? [134] A. Yes.

Q. And you are fairly certain as to that date, as to that time? A. I can't be too sure.

Q. Well, you are sure in your mind, are you not, that it occurred shortly before Christmas?

A. Yes.



(Testimony of Constance Marie Bell.)

Q. So that as to that occasion, and fixing it by Christmas, you have an approximation of a date. Now let us turn to another matter, and that is with reference to the period of time which you state you were at Delano, California, and I take it that you have no definite date in mind; is that correct, by day or the week or day of the month? A. No.

Q. That you were there? A. No.

Q. Is that right?

A. (Witness shakes head in negative.)

Q. You have to speak. The reporter cannot get the nod of the head. A. No.

Q. Do you recall or do you know the fact to be that on or about September 29, 1953, the police of the town of Delano closed all houses of prostitution?

A. When? [135]

Q. On September 29, 1953.

A. No, I don't know if they did or not.

Q. Do you recall the event or did you learn of the event of all houses of prostitution in Delano being closed?

A. I knew that they were closed because when we went through Delano going to Phoenix they were all closed.

Q. And did you visit or attempt to visit them at that time?

A. No, I didn't go to any of them.

Q. That is information which someone else gave you, is that correct? A. Yes, somebody.

Q. And is it true that at the time that you went or allegedly went to Delano and worked in this

(Testimony of Constance Marie Bell.)

house that other houses of prostitution were also operating?      A. Yes, I was told.

Q. I believe you stated something to the effect that your friend, Cindy, at least——

A. No, I am Cindy.

Q. Pardon—that your friend, Judy, at least for a part of the time that you were there, was working in another establishment, is that correct?

A. Yes.

Q. So that, to your knowledge, more than the one establishment that you were in was in operation?      A. Yes. [136]

Q. Can you be positive as to whether the time that you allege you were in Delano working in this house was in September or in October or in November?

A. It must have been in October or November.

Q. What date or event—by what date or event do you place your statement that it was in October?

A. Well, I knew that I was in Phoenix some time in October.

Q. And how do you place that you were in Phoenix some time in October?

A. Well, I just know that it was. I mean, I don't—it was some time in October.

Q. How do you arrive at that conclusion, Miss Bell?

Mr. Sparrow: If your Honor please, I will object to the question as having been asked and answered.

The Court: That was your best recollection that it was?

(Testimony of Constance Marie Bell.)

A. Yes.

Mr. Sparrow: She stated that was her best recollection.

The Court: Sustained.

Q. (By Mr. Campbell): Can you state any event which places the times at which you were in any of the places that you have described?

Mr. Sparrow: I will object upon the grounds, if your Honor please, the question is compound, complex, and does not pinpoint—

The Court: Do you have the question in mind, Miss Bell? [137]

A. Yes, if there is anything that I can—anything that has happened that I can pinpoint down these dates.

Q. (By Mr. Campbell): Yes.

A. I can't. I mean, I just know that from when I got in and when I was out. That's the only thing.

Q. Well, is there anything you can point to by which we can arrive at any day of the month with relation to any of the events that you have described?

Mr. Sparrow: Object to the question as having been asked and answered.

The Court: Let her answer it again, if she can. Just give us your best recollection.

A. Would you repeat the question?

Q. (By Mr. Campbell): I will reframe it. I am trying to find any event, whether it is a birthday that you remember, yours or someone else's, a holiday such as Thanksgiving or Labor Day, or any

(Testimony of Constance Marie Bell.)

other event from which we can relate or place the events which you have described here, Miss Bell. Do you have any such date in mind or event in mind occurring in this period from which we can relate back these other events?

A. Well, one thing, my sister's birthday is in September.

Q. What date in September? A. The 15th.

Q. And did you observe her birthday that year? Is it your [138] custom to observe her birthday each year?

A. Well, I always send her a card or something.

Q. Yes. All right. Now, you say September 15.

A. (Witness nods head affirmatively.)

Q. Was it before or after your sister's birthday that you went to Phoenix, Arizona?

A. It was after her birthday.

Q. And how long after?

A. I don't know. I mean, it was about—well, I knew it must have been around the first of September that I got into this racket because her birthday was the 15th, and I had already—I knew I had already been to Folsom, I am sure.

Q. Well, now, let me ask you this: Could it have been as much as a month after your sister's birthday that you went to Phoenix?

A. I don't think so. No.

Q. It was less than a month?

A. It must have been.

Q. So that it could have been within the month of September that you went to Phoenix?

(Testimony of Constance Marie Bell.)

A. It could have been the latter part of September, the first of October; I don't remember.

Q. That is your best recollection at this time?

A. That is my best.

Q. You testified, I believe, that when you—on your return [139] from Arizona and as you passed through Los Angeles, you called a telephone number which had been given to you by Mr. Ege, is that correct?

A. Yes.

Q. And do you recall that telephone number?

A. No.

Q. Had you written it down at the time?

A. Yes.

Q. Did you save the slip of paper on which it was written?

A. No.

Q. Do you recall what town it was that you called?

A. I am pretty sure it was Delano that I called.

Q. That is your best recollection?

A. Yes.

Q. And do you recall from where you placed the call in Los Angeles?

A. From the airport there.

Q. And when you placed the call, did a man or a woman answer at the other end?

A. I can't remember.

Q. Do you recall a conversation which you had at that time?

A. Just that I was—what time I was, my flight, would get into Bakersfield. But I don't know who I talked to, if I talked to a woman or a man. [140]



(Testimony of Constance Marie Bell.)

Q. What did you say? Did you simply say—or did you identify yourself?

A. Yes, I said, "This is Cindy."

Q. "This is Cindy"?

A. (Witness nods head affirmatively.)

Q. And what did the person at the other end say?

A. I can't remember.

Q. Then you say you said, "My flight will get into Bakersfield at such and such a time"?

A. Yes.

Q. Is that right?           A. Yes.

Q. Do you recall what time of day it was that you made this call?

A. I think it was in the evening, about 7:00 o'clock or so, I am not sure.

Q. And what time did your flight get into Bakersfield?           A. I do not remember. I forget.

Q. Was it before or after midnight?

A. It was before midnight.

Q. All right. And who was it you say met you at the airport?           A. Joe Bruno.

Q. Joe Bruno?

A. (Witness nods head in affirmative.) [141]

Q. Had you ever met him before?           A. No.

Q. How did you identify yourself?

A. I forget. I had a black outfit on, suit.

Q. Did you in your previous telephone conversation tell whoever was on the phone how you were dressed?

A. I may have. Yes, I suppose I did.

Q. All right. Are you acquainted, Miss Bell, with

(Testimony of Constance Marie Bell.)

Q. a man by the name of Ben Bruno? A. No.

Q. You have never heard of anyone by that name? A. No, I don't think so.

Q. Do you know a girl by the name of Jean in Bakersfield? A. Jean?

Q. Jean. A. No.

Q. Or Jean Longo? A. I don't think so.

Q. You do not recall? A. No.

Q. As I understand your testimony, you say that Joe Bruno then drove you to Delano?

A. Yes.

Q. Is that correct? A. Yes. [142]

Q. Where you remained for a week or two weeks, is that right? A. Something like that, yes.

Q. And I understood from your testimony that you understood that to be Kitty's house where you worked? A. Yes.

Q. And I understood also your testimony to be that Kitty was not there when you arrived but that she was ill? A. Yes.

Q. Do you know or were you advised as to whether she was in the hospital?

A. No, I don't think so.

Q. Did she return while you were there?

A. No.

Q. Did you ever talk with her by telephone at that time during the period of time you were there?

A. I don't think so, no.

Q. Who was it that was in charge of the house while you were there?

A. A girl named Bobby.

(Testimony of Constance Marie Bell.)

Q. What was her last name?

A. I don't know.

Q. You are sure her name was Bobby?

A. I am almost sure, yes. I am pretty sure.

Q. Did you live there at this establishment while you were [143] there?

A. Yes. And she was noted to me as Bobby. She may have had another name, I don't know.

Q. Did you live there while you were there in Delano? A. Yes.

Q. What was the street address of this place?

A. I don't know.

Q. Where was it located?

A. It was some place on—I know it wasn't downtown. It was more, I guess, on the wrong side of the tracks.

Q. Well, Delano is quite a small town, is it not?

A. I am pretty sure it is, yes.

Q. The town has about a 3,000 population, would you say?

A. I don't know. Once you get into those houses, you don't get out until your time is up.

Q. You don't walk around the streets?

A. No, definitely not.

Q. Well, now, what house was your friend, Judy, in when she was down there?

A. I don't know.

Q. Now, you said, I believe, that during this period of time—and I take it you are not sure whether it was September or October, is that right?

A. I am sure it was in October some time.

(Testimony of Constance Marie Bell.)

Q. Well, can you tell me if it was the early or latter part [144] of the month?

A. It must have been after the first two weeks of October, I would say.

Q. After the first two weeks?

A. I'm almost sure, yes.

Q. So you would place it, then, some time after the——

A. Maybe—after the 15th or the first week after, I don't know.

Q. I didn't get the latter part of your answer. You said after the 15th or——

A. Maybe later than that.

Q. Well, could it have been after the first of November?

A. No, it wasn't after that, I'm positive.

Q. Well, let's say, then, some time after the 15th of October?      A. Yes.

Q. And you were there about two weeks?

A. Yes.

Q. How often was it that you saw Joe Bruno during that time?

A. Well, he was there quite often; almost every night except one time I think that he left and wasn't back for a couple of days or so, I don't know.

Q. Otherwise he was, aside from that, for a period of two weeks he was there every night?

A. Well, I mean he was there in the evenings, but I don't [145] think he was there in the daytime or not.

Q. Did you ever pay any money to him?

(Testimony of Constance Marie Bell.)

A. I never gave him any money directly.

Q. Did he ever give you any money?

A. No.

Q. No money transactions between you and Joe Bruno?

A. Not directly, no.

Q. That is what I am asking you: What directly took place, that you saw; not what you surmised, what you saw.

A. No.

Q. Who handled the money?

A. It was put in a little drawer, like—with little tills in it, and at the end of the evening it was all taken out by Bobby and they counted it.

Q. And they would then give you your share?

A. Yes.

The Court: Who is they?

A. Between Joe and Bobby, they would be right there counting it.

Q. (By Mr. Campbell): I understood you to say that Joe never handled the money.

A. Well, I can't say. You asked me if I directly gave him any money and I said no, I didn't directly.

Q. Had he directly given you any money?

A. No. [146]

Q. I understood it was Bobby who gave you the money, is that right?

A. Yes.

Q. And you settled up with her?

A. She is the one that—between her and him, they did the distributing, I mean—and she handed it to me most of the times. I can't—

Q. I see. Did you see what happened to the money that was left there after money was given to



(Testimony of Constance Marie Bell.)

you? A. No, I don't think so.

Q. After you got your share do you know what happened to the other money?

A. No, I don't know what happened to it.

Q. All right. Now, what was the occasion of your leaving there, Miss Bell?

A. Pardon? I was sick.

Q. There was no difficulty of any kind at that time, I take it? I mean, it was a question simply of your illness and you left, is that correct?

A. Yes.

Q. And it was on that occasion you went over to Fresno? A. Yes.

Q. Have you any way of fixing the time that you arrived in Fresno? A. No. [147]

Q. You have no——

A. You mean in the evening or daytime, you mean?

Q. No, the day of the month. A. No.

Q. Or with relation to, let us say, Thanksgiving Day, which would be, if you were in Delano the latter part of October, that would be the next holiday coming up. Can you fix it with relation to Thanksgiving Day? A. No.

Q. Can you fix it as before or after Thanksgiving Day?

A. I would say it was before Thanksgiving Day.

Q. And how long before?

A. I don't recollect.

Q. A matter of a week or two weeks? Can you fix it that way? A. I don't recollect.

(Testimony of Constance Marie Bell.)

Q. You can just say it was before Thanksgiving Day?      A. Yes.

Q. All right. Now, you passed through Delano once more, you testified, on your way to Arizona, and I believe you testified that you met someone there on that occasion. Was that Joe Bruno?

A. No.

Q. Do you recall the name of the person you met?

A. He was just an older man. He didn't have nothing to do with the business. I think he ran the drugstore there. [148]

Q. He was the owner of the drugstore there?

A. Yes.

Q. And that was just a few minutes' stop, I take it?

A. Well, we went over to his house and had a drink, too.

Q. Was it from him that you learned that the houses were not operating?

A. I guess maybe that's where I heard it.

Q. From him?      A. I don't know.

Q. So that you did learn on your way to Arizona that the houses were not operating?      A. Yes.

Q. After you arrived in Arizona and you received this telephone call from Ege, you say he told you that Delano was open?      A. Yes.

Q. What did he say in that connection?

A. The town—I don't know if they were what they call sneaking or not, I forget, or if it opened up fully, I don't know.

(Testimony of Constance Marie Bell.)

Q. What do you mean by sneaking?

A. Well, sometimes they have—they are—this is what I have been told. I don't know if it is the truth or not—that the public demands that those places open up down there.

Q. The public what? [149]

A. I don't know.

Q. Well, you have something in your mind when you say, "sneaking." What does it mean to you?

A. Well, they don't open up the doors wide and let everybody come in like they usually do. They just kind of—are very quiet about it.

Q. I take it that you mean then that that is an operation of the house when the public authorities have ordered the places closed——

A. Yes.

Q. ——and you are operating contrary, without—ostensibly without the knowledge of the authorities?

A. Uh-huh.

Q. And was that what you were doing in Delano?

A. I don't know. I can't remember if they were or not.

Q. I see. As far as you can recall now, it may or may not have been what you called sneaking?

A. Well, I don't think it was because there was too many people there, now that I think of it. But it could have been.

The Court: Let us take the morning recess.

(Recess.) [150]

Q. (By Mr. Campbell): On your trip with Judy to Arizona you testified about stopping in Delano

(Testimony of Constance Marie Bell.)

and speaking to the owner of the drugstore, where you were advised that Delano houses of prostitution were closed. Now, after you left Delano, did you not stop overnight in Bakersfield?

A. No, we didn't.

Q. You did not stop overnight anywhere on your way? A. No.

Q. Did you, however, stop the car for a brief time in Bakersfield?

A. I am sure—it might have been on the outskirts of Bakersfield—we ate some place there.

Q. Did you and Judy talk to anyone there in Bakersfield? A. No, I don't think so.

Q. Well, didn't you make inquiries on your way to Arizona on that occasion in Bakersfield as to whether or not there were any opportunities to work as a prostitute in Bakersfield?

A. I didn't. I don't know if she did.

Q. Do you recall if Judy did?

A. I don't know.

Q. Well, did she tell you anything about that?

A. No.

Q. Don't you recall learning as you arrived in Bakersfield that Bakersfield also was closed? [151]

A. I don't think so because I don't even know if they had any places in Bakersfield.

Q. As I understand you, then, you drove directly—strike that. As I understand you, you drove all the way from San Francisco to Phoenix, Arizona, without stopping anywhere overnight?

A. No, we didn't stop no place.

(Testimony of Constance Marie Bell.)

Q. Or did you stop anywhere to sleep or to rest?

A. No.

Q. You just made the usual gasoline-meal-rest stops, is that correct?

A. Rest stops? You mean to have coffee and stuff?

Q. Yes.            A. Yes.

Q. And after you arrived in Phoenix, as I understand you, Judy did the telephoning?

A. She called a number, yes.

Q. She called some number as a result of which you got in touch with this maid and her husband, is that right?            A. Yes.

Q. And you are very certain that you did not do that telephoning?            A. I am certain, yes.

Q. Did you testify before the grand jury that you had done the telephone calling to Mr. [152] Boyd?            A. No.

Q. You did not?

A. (Witness shakes head in negative.)

Q. So that when it states in the indictment as overt act six, "that Constance Marie Bell in the State of Arizona had a telephone conversation with Joseph Boyd," that was not your testimony before the grand jury?

Mr. Sparrow: I will object to the question as calling for the opinion and conclusion of the witness, if your Honor please.

The Court: Overruled.

A. I don't remember. I don't think I did.

Q. (By Mr. Campbell): You don't remember



(Testimony of Constance Marie Bell.)

testifying to that?           A. I don't think I did.

Q. All right. Calling your attention to the language of the indictment, "that at 395 Monterey Boulevard in the City and County of San Francisco the defendant, Edward Raymond Ege, gave the telephone number in Arizona of defendant Joseph Boyd to Constance Marie Bell," I understand that is not the fact, is it?

A. Would you repeat that again? I don't quite understand it.

Q. The indictment alleges that the defendant Ege in San Francisco gave you the telephone number of Mr. Boyd. Now, that is not correct, is it? As I understand your testimony, [153] he gave that telephone number to Judy?

A. Yes. He didn't—I didn't say he gave it to Judy.

Q. Whom did he give it to?

A. I didn't say he gave it to nobody.

Q. Did he give it to you?           A. No.

Q. So that the indictment as returned by the grand jury is not correct in that regard, that he gave it to you?

A. I am talking for myself. He didn't give it to me.

Q. All right. Did you testify before the grand jury that he did give the number to you?

A. I don't know.

Q. You don't remember what you testified to, is that right?           A. I don't remember.

Q. You don't remember. All right. Now, in the

(Testimony of Constance Marie Bell.)

indictment it is alleged as overt act seven that, "The defendant Joseph Boyd drove (you in an automobile) Constance Marie Bell in an automobile from Phoenix, Arizona, to Scottsdale, Arizona." As I understand your testimony, you were in fact driven there—by your present testimony—that you were driven there by the husband of the colored maid, is that correct?      A. Yes.

Q. And you were not driven there by Mr. Boyd?

A. No.

Q. Did you testify before the grand jury that you were [154] driven there by Mr. Boyd?

A. No, I don't think so.

Q. Did you not so testify?

A. I don't think so, no.

Q. Or do you recall what testimony you gave before the grand jury?

A. I recall what I gave before the grand jury, but, I mean, I can't remember everything.

Q. But the fact as you now state it is that you were driven there by the husband of the colored maid, is that right?      A. Yes.

Q. All right. Now, you have testified here that after you worked in Delano you went to Fresno to your sister's home and that there Ege came and picked you up and returned you to San Francisco, is that correct?      A. Yes.

Q. And you testified, I believe, that in Fresno when he picked you up you gave him what remained, after you had made certain expenditures yourself, of your earnings which you had obtained in Arizona

(Testimony of Constance Marie Bell.)

and at Delano, is that right?           A. Yes.

Q. And you gave them to him there at Fresno, is that right?           A. Yes.

Q. It is alleged in the indictment as overt act No. 10, "that in the City and County of San Francisco in October, 1953, [155] the defendant Edward Raymond Ege took the sum of approximately \$700 from Constance Marie Bell." As I understand your present testimony, that actually took place in Fresno, is that right?

A. Well, I can't exactly remember where. I mean, so many different places that I gave money, that I don't recollect exactly where I gave any money any more.

Q. Where did you give him the money that you say you earned in Delano and Arizona?

A. It was either in—when he picked me up or in San Francisco.

Q. So it may not have been Fresno, as you testified in this courtroom?

A. It most likely was, but it could have been—

Q. What is your present best recollection?

A. My present best recollection is Fresno, I am sure.

Q. And not San Francisco?

A. I don't know. I don't think so.

Q. Did you testify before the grand jury that it was in San Francisco and in this jurisdiction?

A. I don't think so, no.

Q. All right. Do you recall?           A. No.

Q. All right. Now, you testified here, as I recall

(Testimony of Constance Marie Bell.)

your testimony, that in November of 1953 or December, you were [156] not sure of the date, that you were driven to Barstow by certain people whose names you did not recall, with the exception of the first name of one girl, is that correct?

A. Yes.

Q. And that Ege did not accompany you on that trip, is that correct?

A. No.

The Court: The answer was "no"?

A. "No." I am sorry.

Q. (By Mr. Campbell): In the indictment in overt act 12 it is alleged that "in November, 1953, defendant Edward Raymond Ege drove Constance Marie Bell from the City and County of San Francisco to the City of Barstow." Did you so testify before the grand jury, that is, that Mr. Ege drove you on this occasion?

A. No, I don't think—I don't——

Q. You have no recollection?

A. I know that he didn't.

Q. And the fact is that he did not?

The Court: Just a moment, Mr. Campbell. I didn't get the last part of your answer. "I know that"—what?

A. I know that he didn't. I am sure I didn't testify to that.

Q. (By Mr. Campbell): Was that "didn't"—n-t?

The Court: That is what I understood. Is that right, [157] Mr. Reporter?

The Reporter: Yes.



(Testimony of Constance Marie Bell.)

Q. (By Mr. Campbell): You know that he didn't? A. Yes.

Q. You testified here, as I understood you, that some time after your arrival in Barstow and while you were working there that the defendant Ege on his way to, you said Las Vegas, stopped by Barstow, is that right? A. Uh-huh.

Q. And you gave him approximately \$200 on that occasion, is that right?

A. About one hundred or two hundred, I don't know.

Q. One or two hundred?

A. (Witness nods head affirmatively.)

Q. Was that the only occasion on which you gave him money in Barstow? A. Yes.

Q. That's the only time? A. Yes.

Q. And that's the only amount that you ever gave him, is that right? A. In Barstow, yes.

Q. All right. In the indictment as overt act 13 it is alleged "in November, 1953, in the City of Barstow defendant Edward Raymond Ege took the sum of approximately \$900 from [158] Constance Marie Bell." Did you so testify before the grand jury?

A. I don't think so. I don't know.

Q. That is not the fact, is it, that the defendant Ege took \$900 from you in the City of Barstow?

A. Well, I had more money than what—I may have testified that I had more money but I didn't give it all to him.

Q. Well, you had \$900, is that what I understood?



(Testimony of Constance Marie Bell.)

A. I had more than what I gave to him. I don't know whether I had 900.

Q. But you only gave him one or two hundred, is that right? A. I think so, yes.

Q. And that's all he took from you at that time, is that right? A. Yes.

Q. So that he did not take \$900 from you as alleged there? A. But I had it with me.

Q. I know, but he did not take it from you, isn't that right?

A. (Witness nods in affirmative.)

Q. Did you testify before the grand jury that he took \$900 from you? A. I don't think so.

The Court: Did I understand you to say that you gave him a hundred dollars? [159]

A. Oh, no, I gave him between one and two hundred. I don't know what the exact amount was.

The Court: Between one and two hundred dollars?

A. Yes.

The Court: That was in Barstow?

A. Uh-huh.

The Court: Pardon me, Mr. Campbell.

Mr. Campbell: Shall I go ahead?

The Court: Yes.

Q. (By Mr. Campbell): Miss Bell, it is alleged in the indictment that the occasion upon which you gave the money—whatever sum it was—to Ege occurred in November of 1953. Did you so testify before the grand jury? A. I don't know.

Q. You don't recall?

(Testimony of Constance Marie Bell.)

A. In November, I guess it was in November, but I——

Q. You think it was in November?

A. Uh-huh.

Q. Now, by a bill of particulars furnished by the United States Attorney, it is set forth that the \$900 referred to was taken by Mr. Ege on or about December 20, 1953. Does that date in any way refresh your recollection as to when this event allegedly took place?      A. No, it doesn't.

Q. Did you at any time supply to either the United States [160] Attorney or to any of the government investigators or other people that you may have talked to concerning this case with the date of December 20 or around or about that date as being the occasion upon which these events in Barstow took place?      A. I don't recollect.

Q. All right. In the indictment it is alleged that it was in the month of November that Ege drove you to Barstow. You have already testified that he did not drive you. But was the occasion upon which these other people drove you to Barstow in the month of November, 1953?

A. I presume it was; I am not sure.

Q. You are not sure. What is your best recollection?      A. It was November. In November.

Q. What is your best recollection?

A. Oh, you people ask me: November, October, September. I don't know any more than I have already told you once.

Q. I understand——

(Testimony of Constance Marie Bell.)

A. I have said it once—I have said it a hundred times. I don't know. I don't recollect.

Q. You do not recollect? A. No.

Q. Is that right?

A. Gee, you have asked me a hundred times already.

Q. Now, Miss Bell, in the bill of particulars furnished [161] by the United States Attorney the event of your being driven to Barstow is placed on or about December 7, 1953. Did you supply that date?

A. December 7th? I never supplied no 7th, no dates, I am almost positive; I don't recollect, but I am almost sure.

Q. And that date means nothing to you, I take it? A. No, it doesn't.

Q. All right. In the indictment it is alleged that in November, 1953, the defendant Ege drove you from San Francisco to the County of Yolo, State of California? A. In October?

Q. That is the allegation in the indictment. Would you recall if that was your testimony before the grand jury?

A. It may have. It may have.

Q. And so far as your present recollection is now, it may have been October?

A. It may have been. Probably, I——

Q. Now—I beg your pardon? A. Nothing.

Q. But in a bill of particulars furnished by the United States Attorney with reference to that allegation, which is overt act 11, it is alleged that that

(Testimony of Constance Marie Bell.)

act took place on or about November 10, 1953. Did you supply the date of November 10th to the United States Attorney?

A. I don't think so. If I had said any date, "may have" or [162] "I don't know," "Maybe the 10th," "Maybe the 20th"—I don't remember even when I went to the grand jury any more, with your dates.

Q. I understand. The date November 10th means nothing to you?

A. I couldn't tell you what day today is; I am getting so tired of dates.

Q. But in any event that date means nothing to you?      A. No.

Q. In the indictment I am referring to overt act 10, which refers to the \$700 allegedly taken from you by the defendant Ege and apparently referred to the same event which you have described, that you were not sure took place at Fresno or San Francisco, referring to the time after you were at Delano. In the indictment it is alleged that \$700 was taken from you in October of 1953. I presume that that was your testimony before the grand jury, is that correct?      A. It may have.

Q. But in the bill of particulars furnished by the United States Attorney, that occasion is set forth as having occurred on or about November 5, 1953, rather than in the month of October. Does that particular date mean anything to you?

A. They don't mean nothing to me. I am getting so tired of them I don't even want to talk about them no more.



(Testimony of Constance Marie Bell.)

Q. Well, I understand, but the date means nothing to you? [163]

A. No date means nothing to me.

Q. And, I take it——

A. Two years ago I tried to put this all behind me. Now you have been digging and digging and digging at me and I can't take it.

The Court: You want to take a recess, Miss Bell?

A. I can't—I just can't go on no more. I can't.

The Court: Take a recess for a few minutes, ladies and gentlemen.

(Recess.) [164]

Mr. Campbell: Your Honor, in view of the differences appearing in the indictment, we would respectfully request that the transcript of this young woman's testimony before the Grand Jury be made available.

The Court: It will be so ordered.

Mr. Campbell: Thank you, sir.

In view of that situation and of the witness' present emotional state, then I will not continue the cross-examination at this time. I would like opportunity, however, after we have had an opportunity to examine that transcript, if the Court permits us to do so, have further cross-examination, if it appears warranted, but without covering the ground which has been covered heretofore.

The Court: Very well. May the witness be withdrawn at this time, Mr. Sparrow?



(Testimony of Constance Marie Bell.)

Mr. Sparrow: I just have one question on redirect, if I may.

Redirect Examination

By Mr. Sparrow:

Q. Miss Bell, you stated yesterday in response to a question from Mr. Stout that you are now living alone in San Francisco. Will you explain that?

A. My husband is on a destroyer at sea.

Q. One more question, if I may. Through whom, Miss Bell, did you meet the person who ran that house at Atuma Street?

A. Through Eddie. [165]

Mr. Sparrow: That is all.

The Court: You may be excused temporarily, Miss Bell.

(Witness excused.)

The Court: Call your next witness.

GENE GIOMI

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

The Clerk: Please state your name and your occupation to the Court and jury.

A. My name is Gene Giomi. I live at 475 Faxon Avenue, San Francisco.

Direct Examination

By Mr. Sparrow:

Q. Mr. Giomi, directing your attention to the spring of 1952, did you own the premises known as 395 Monterey Boulevard, San Francisco?

A. That's right.

Q. And at that time did you have occasion to rent the premises? A. We did.

Q. And to whom did you rent the premises at 395 Monterey?

Mr. Hagerty: Just a minute, objected to as too remote.

The Court: What time?

Mr. Sparrow: The spring of 1952.

The Court: Overruled.

Q. (By Mr. Sparrow): To whom did you rent the premises? [166]

A. Mr. and Mrs. Boyd.

Q. Do you remember his first name?

A. No, I don't.

Q. And do you know how long Mr. and Mrs. Boyd occupied those premises at 395 Monterey Boulevard?

(Testimony of Gene Giomi.)

A. I have some dates that I can give you, sir.  
(Referring to memo.)

Mr. Campbell: Pardon me, if the Court please. May it be understood again that my objection is running to this testimony, subject to the motion to strike previously made?

The Court: You may have that understanding.

Mr. Stout: May the record so state with reference to our position?

The Court: The record will reflect that.

Do you have some dates, you say?

A. I have, sir. Let's see, approximately April 15th, 1952, to May 15, 1953——

Q. (By Mr. Sparrow): In connection with that latter date, May 15th——

Mr. Hagerty: I would like to object. He hasn't finished his answer, your Honor.

The Court: Correct. He hasn't finished his answer.

Mr. Sparrow: Sorry.

A. From April 15, 1952. And at that time Mr. Boyd introduced Mr. Ege and told me that he was going to leave the state and [167] that Mr. and Mrs. Ege would carry on his obligations, and so Mr. Ege occupied the premises from May 15, 1953, to January 29, 1954, at the time the place was sold. And that's all I can give you.

Q. (By Mr. Sparrow): And on or about May 15, 1953, you were introduced to Mr. Ege by Mr. Boyd, is that correct?      A. That's correct.

Q. And do you recognize Mr. Boyd and Mr. Ege,

(Testimony of Gene Giomi.)

do you?           A. That I do, sir.

Mr. Sparrow: No further questions.

Cross-Examination

By Mr. Stout:

Q. Mr. Giomi, you operate a market here in San Francisco, do you?           A. Yes, sir.

Q. Is that market known as Gene's Foods?

A. That's right, sir.

Q. Gene's? G-e-n-e, apostrophe s?

A. That's right, sir.

Q. Is that located at 1630 Ocean Avenue in San Francisco?

A. Not any longer. We did operate that, but we—we sold that market. I am operating a market at 2545 Noriega Street, that's the only one.

Q. At the time in question, that is, in May, June and up to January, 1954, were you operating, however, at 1630 Ocean Avenue? Do you recall? [168]

Mr. Sparrow: If your Honor please, I will object to the question as irrelevant, incompetent and immaterial.

The Court: What is the purpose of this?

Mr. Stout: Well, your Honor, it is just a question of the presence of the defendant during the periods relative to the indictment. We will show by cancelled checks that payments were made to this witness by the defendant on certain dates.

The Court: All right. Go ahead.

Mr. Stout: Is that approximately your best recollection, sir?

(Testimony of Gene Giomi.)

A. Yes, that's right. We did operate at 1630 Ocean Avenue as well as the rest of them.

(Discussion between counsel.)

Mr. Stout: I show you, Mr. Giomi, four checks, and I shall ask you to examine them, if you will.

Does your Honor wish to see them before I address them to the witness?

The Court: No.

(Witness examining.)

Q. (By Mr. Stout): Do you recognize those, sir? A. Yes, sir.

Q. Are those the checks used by the defendant Ege to pay you the monthly rent on the premises at 395 Monterey Boulevard, San Francisco? [169]

A. That's right.

Mr. Stout: May I offer them as one exhibit on behalf of the defendant, Ege?

Mr. Sparrow: If your Honor please, I don't see the relevancy of these. I will object to them on that ground.

The Court: Are the dates of any importance?

Mr. Stout: I will read the dates to the Court. The date September 22, 1953; the date October 29, 1953; the date November 20th, 1953; and the date December 29, 1953. We are unable to show continuity at this time; we will do so later, so far as the dates of the overt acts are concerned.

The Court: If you want to put them in evidence, why, I will receive them.



(Testimony of Gene Giomi.)

Mr. Stout: I would ask at this time that they be received and marked at this time.

The Court: They will be received and marked Defendant Ege's next exhibit in evidence.

The Clerk: Defendant's Exhibit A introduced in evidence.

(A group of cancelled checks received in evidence and marked Defendant Ege's A in evidence.)

Mr. Stout: May they be passed to the jury?

The Court: Not at this time.

Q. (By Mr. Stout): Were those checks handed to you personally by Mr. Ege, Mr. Giomi?

A. They could have been mailed in. [170]

Q. Do you have any recollection that any were mailed in to you? A. Oh, yes.

Q. Which ones, can you tell us?

A. No, I can't. They may have been mailed in or they could have been handed to us, because we have an office staff and they take care of it.

Q. These checks could come in and be handed to you subsequently? A. That's right.

Q. Is that correct? A. Yes.

Q. Directing your particular attention to the check in December, 1953, the one that is dated on the 29th of December, do you have any specific recollection of that check?

A. No, I don't know, I wouldn't have one.

Q. Is it possible that Mr. Ege on that date handed you that check in person?

(Testimony of Gene Giomi.)

A. It is possible, yes.

Q. Is it likewise not possible that the check on September 22, 1953, could have been handed to you?

A. They could all have been handed to me, for that matter. They could have been handed or mailed or however we got them.

Q. In other words, if I were to go over each individual check with you and ask you that same question, is it possible [171] it could have been handed to you, your answer would be that it was possible?

A. That's right, that's right, it is.

Mr. Stout: Thank you, Mr. Giomi. No further cross-examination.

#### Cross-Examination

By Mr. Hagerty:

Q. I have only one question, Mr. Giomi. Was the tenancy of Mr. Boyd from your records April 15, 1952——

A. Approximately.

Q. ——to May 15, 1953?

A. We have the termination date. We don't have the starting date, but it was approximately that time. I believe the termination date was——

Q. May 15, 1953?

A. Yes. Yes, that's right.

Q. At that time Mr. Ege took over the lease?

A. That's right.

Mr. Hagerty: Thank you, very much, Mr. Giomi.

Mr. Campbell: I have no questions.

The Court: You may step down.

(Witness excused.)

The Court: Call your next witness. [172]

J. W. ELLINGSON

called as a witness on behalf of the Government,  
sworn.

The Clerk: Will you please state your name and  
your occupation to the Court and to the jury?

A. J. W. Ellingson.

Direct Examination

By Mr. Sparrow:

Q. Mr. Ellingson, where do you live?

A. Post office address is Peoria, Arizona. The  
residence is about three miles north of Litchfield  
Park.

Q. Now, directing your attention to October,  
1953, did you own a house in or approximately in  
the city of Scottsdale, Arizona? A. I did.

Q. And could you tell us where that house was  
located with reference to the town of Scottsdale?

A. It was located three miles north of Scottsdale  
on Scottsdale, and half a mile east of Scottsdale  
Road.

Q. Did you have occasion on or about the 1st of  
October that year to rent that house to anyone?

A. I did, on the afternoon of October 6, 1953.

Q. And to whom did you rent those premises?

Mr. Stout: Excuse me. Your Honor, may we  
have the continuous objection noted that this is  
hearsay with reference to the defendant Ege?

The Court: The record will show that. [173]

(Testimony of J. W. Ellingson.)

Mr. Campbell: And the same objection as to the defendant Bruno.

The Court: The record will show that also.

Q. (By Mr. Sparrow): To whom did you rent those premises, Mr. Ellingson?

A. Mr. Boyd, J. B. Boyd.

Q. And what were the terms of the lease?

A. It was for the tenure of one year with the first and last month's rent payable in advance.

Q. And were you paid in advance?

A. I was, on the evening of October 6th.

Q. And how much were you paid?

A. \$300.

Q. So the rent was \$150 a month, is that right?

A. That's correct.

Q. And by whom were you paid that money?

A. By Mr. Boyd.

Q. And you recognize him in the courtroom today, do you?      A. Yes, sir.

Q. How long did Mr. Boyd occupy those premises?

A. As far as I know, I met him the next morning on October 7th at his motel, which was the El Rancho on West Van Buren, according to his date of meeting, possibly around 10:00 o'clock.

Q. Did you have occasion at that time to discuss with him what the nature of his employment, if any, was? [174]      A. His employment?

Q. Yes.

A. Well, on the evening of October 6th he was there in company with his wife, to whom he introduced me as his wife, and he indicated to me or

(Testimony of J. W. Ellingson.)

told me that he had been in the jewelry business in San Francisco and was looking into establishing a jewelry business in Scottsdale.

Q. Do you recall approximately when the Boyds ceased to occupy that house?

A. Well, it was his privilege to occupy it on October 7th. What date he occupied it, I do not know, because my residence is 30 miles from that house that he rented.

Q. Do you know how long they stayed in the premises after——

A. Well, I understand from the neighbors that they moved out about——

Mr. Hagerty: Object to this as being hearsay.

The Court: Sustained.

Q. (By Mr. Sparrow): Do you know of your own knowledge about when he moved out of the house, if he did, short of that year?

A. About October 20th.

Q. Did you during that period, from October 6th to October 20th, have occasion to receive any complaints concerning the use of the premises?

Mr. Hagerty: I will object to this, your Honor, as calling for hearsay. [175]

The Court: Objection sustained.

Mr. Sparrow: No further questions.

Mr. Stout: I have no questions of the witness.

Mr. Hagerty: I have no cross-examination.

Mr. Campbell: I have no questions.

The Court: You may step down.

(Witness excused.)



The Court: Call your next witness.

GEORGE W. RATHJEN

called as a witness on behalf of the Government,  
sworn.

The Clerk: Please state your name and your occupation to the Court and jury.

A. George W. Rathjen. I am assistant manager at the El Rancho Hotel, Phoenix, Arizona.

The Court: Hotel or Motel?

A. Motor Hotel.

Direct Examination

By Mr. Sparrow:

Q. Mr. Rathjen, were you so employed on or about the 20th of September, 1953? A. I was.

Q. And did you have occasion on that day to register a Mr. and Mrs. Boyd in the hotel?

A. On the afternoon of September 20th, 1953, I registered them, about 2:30 in the afternoon. [176]

Mr. Stout: May we have the record note the continuing objection to this witness' testimony on behalf of the defendant Ege?

The Court: The record may so show.

Mr. Campbell: Also on behalf of the defendant Bruno.

The Court: So ordered.

Mr. Stout: Now, Mr. Rathjen, how long did Mr. and Mrs. Boyd stay in the hotel?

A. They were registered there for one month. Checked out the 21st of October.

(Testimony of George W. Rathjen.)

Mr. Campbell: May I have that answer read?

The Court: "They were there for one month. Checked out the 21st of October."

Is that right?

A. That's right.

Q. (By Mr. Sparrow): In connection with registering guests at the hotel, is it one of your duties to maintain a record of the registration?

A. That is correct.

Q. And of what does such a record consist, can you describe it?

A. It is a weekly account card.

Q. And is it—— A. Registration card.

Q. Is it subdivided by days? [177]

A. Yes, sir.

Q. Within that week? A. That is true.

Q. What does it show on it?

A. It shows all the charges——

Mr. Hagerty: Now, I will object to this on the ground the card itself would be the best evidence of what it shows.

The Court: You are right.

Mr. Sparrow: All right.

Q. I show you, Mr. Rathjen, a set of cards, and ask you whether or not you can identify those?

A. These are hotel registration cards with the rooms, the charges for long distance calls, local calls, laundry or valet charges are placed on this card, are carried forward at the end of the day by the night man, and——

Q. Do those cards relate to a specific person?

(Testimony of George W. Rathjen.)

A. Yes, sir, they do.

Q. Whom do they relate to?

A. The party that is registered in this particular room.

Q. And who was that?

A. Mr. and Mrs. J. Boyd.

Mr. Hagerty: Your Honor, might I see them?  
I haven't seen them at all.

(Counsel examining.)

Mr. Sparrow: Offer these in evidence, if your Honor [178] please.

The Court: They may be received in evidence as Government's exhibit next in order.

Mr. Campbell: Let it be subject to defendant Bruno's objection as to incompetency.

The Court: So ordered.

Mr. Stout: Same objection as to defendant Ege.

The Court: Likewise so understood.

The Clerk: Government's Exhibit No. 1 in evidence.

(Registration card, El Rancho Hotel, received in evidence and marked Government's Exhibit No. 1.)

Q. (By Mr. Sparrow): I believe you stated, Mr. Rathjen, that these cards, among other things, indicate long distance telephone calls made, is that correct?      A. That is true.

Q. Do you remember of your own knowledge where the majority of long distance telephone calls made by Mr. and Mrs. J. Boyd were made to?

(Testimony of George W. Rathjen.)

A. The majority——

Mr. Hagerty: I will object to that, your Honor, as improper direct examination. I think the cards speak for themselves, if they are a record——

The Court: The objection will be overruled.

Mr. Hagerty: The witness should be interrogated on them.

The Court: Overruled. [179]

Mr. Hagerty: It calls for the opinion and conclusion of the witness, your Honor.

The Court: Also overruled.

A. The majority of the long distance calls are to San Francisco.

Q. (By Mr. Sparrow): Mr. Rathjen, where is the hotel located with reference to Scottsdale?

A. It is about 14 miles west of Scottsdale.

Q. Did you have any conversations with Mr. and Mrs. Boyd, that you recall?

A. I don't recall a conversation with Mrs. Boyd. I do recall having a conversation with Mr. Boyd.

Q. And do you recall the substance of those conversations?

Mr. Hagerty: I will object to this, your Honor, as the proper foundation hasn't been laid.

The Court: Overruled.

A. The conversation was about everyday subjects, about how hard he was working on his place in Scottsdale. I didn't know what the purpose for the place was or anything but——

Q. (By Mr. Sparrow): He told you he had a place in Scottsdale?

(Testimony of George W. Rathjen.)

A. He had located a nice home there.

Mr. Sparrow: No further questions.

### Cross-Examination

By Mr. Stout:

Q. Did you yourself place these telephone calls to San Francisco? [180]

A. I placed some of these calls, not every one.

Q. Not every one?      A. No, sir.

Q. Do you know to whom they were placed?

A. No, sir, I do not.

Q. Do you recall the numbers to whom they were placed?      A. No, sir.

Mr. Stout: Thank you, sir.

Mr. Hagerty: I have no questions of this witness.

Mr. Campbell: No questions, your Honor.

The Court: You may be excused.

(Witness excused.)

The Court: Call your next witness.



CHARLES W. BRILEY

called as a witness on behalf of the Government,  
sworn.

The Clerk: Please state your name and occupation to the Court and jury.

A. Charles W. Briley. I operate a bar and restaurant in Scottsdale, Arizona.

Direct Examination

By Mr. Sparrow:

Q. Directing your attention to the month of October, 1953, were you so employed at that time?

A. I was.

Q. What was the name of the bar that you were operating at [181] that time?

A. The Pink Pony.

Q. That is located where?

A. On the corner of Scottsdale and Main in Scottsdale, Arizona.

Q. On or about that time did you have occasion to meet the defendant Boyd at the Pink Pony?

A. I did.

Q. And who was present, if you recall, besides you and the defendant Boyd?

A. He and his wife. As I recall, other than just the other regular customers in the place, I was the only one.

Q. Can you remember about when that was?

A. As I recall, it was in the first week of October.

Q. 1953?            A. Yes.

(Testimony of Charles W. Briley.)

Q. Did you have occasion to see the defendant Boyd after that? A. Yes, I did.

Q. When was that with reference to the first meeting? A. Oh, it was——

Q. If you recall.

A. I think it was every day or every other day, something like that.

Q. You had occasion to meet him every day or every other day [182] thereafter? A. Yes.

Q. For about how long a period of time thereafter, do you remember?

A. Well, I would say two weeks.

Q. On the occasion of your second meeting with the defendant Boyd, where was that?

A. It was also at the Pink Pony.

Q. And who else was present?

A. His wife.

Q. Did you have a discussion with the defendant Boyd on the occasion of that second meeting with reference to what he was doing in Scottsdale?

Mr. Stout: May the record show objection to this on behalf of the defendant Ege as hearsay?

The Court: The record will so show.

Mr. Campbell: And also on behalf of defendant Bruno.

The Court: The record will show that on behalf of this defendant Bruno, also.

A. He was interested in acquiring a residence in Scottsdale.

Q. (By Mr. Sparrow): In what?

A. In leasing a residence.

(Testimony of Charles W. Briley.)

Q. Did he tell you what he was going to do with that residence?      A. Yes, he did. [183]

Q. And what did he say he was going to do?

A. He was going to operate a house of prostitution.

Q. Did he have any further discussion with you relative to the operation of that house of prostitution? Did he ask your assistance in any way?

A. He told me he was having a hard time financially and he said that if I could send him any business he would appreciate it.

Q. Now, do you recall any one of the occasions that you met Mr. Boyd in the Pink Pony, that you saw Boyd in the Pink Pony, that he was accompanied by anyone other than his wife?

A. No, I don't think I ever saw him with anyone else other than his wife.

Q. By what name was his wife introduced to you, if she was?      A. Ginger.

Q. On any one of these occasions did the defendant Boyd state to you anything about where he was getting the girls who would staff his house of prostitution?

Mr. Hagerty: Of course this is leading and suggestive, your Honor.

The Court: It is slightly leading. Just tell us what was said.

A. I don't think he ever mentioned any particular town. I couldn't say any particular location was ever actually mentioned to me. [184]

Q. (By Mr. Sparrow): Did he ever mention

(Testimony of Charles W. Briley.)

that he was getting any girls or—— A. Yes.

Q. ——or where he was getting them and——

A. Yes.

Q. What did he say at that time, to the best of your recollection?

A. Well, as I recall, when they had first opened up their house, they had one girl, besides his wife, who was running the place, and they had one girl.

Q. Did he tell you that? A. Yes.

Q. Did you have any discussion with him relative to his adding to that—adding to the number of girls? A. Yes, I did.

Q. Would you state what he said, in substance, what he said to you with reference to that?

A. Well, there was two more girls supposed to show up.

Q. Did he state from where?

A. I can't——

Mr. Hagerty: I will object to that as asked and answered. He said before he didn't know where they were coming from.

The Court: Let him answer it again.

A. As I recall, they were coming from California, but I [185] couldn't say whether or not they were coming from San Francisco, I couldn't say.

Mr. Stout: Ask the latter part of the answer be stricken as speculative on the part of the witness, your Honor.

The Court: It may go out, the latter part.

Mr. Stout: And that your Honor likewise instruct the jury to disregard that.

(Testimony of Charles W. Briley.)

The Court: You will disregard the latter part of the answer which has been stricken from the record, ladies and gentlemen.

Mr. Sparrow: No further questions.

Mr. Stout: I have no questions of the witness.

### Cross-Examination

By Mr. Hagerty:

Q. Can you tell us when, Mr. Briley, that you were introduced to the defendant Boyd's wife as Ginger?

A. Well, I was actually introduced to her under another name. As I recall, it was Izzy.

Q. You were never introduced to her as Ginger, were you?

A. I was never introduced to her as Ginger. I heard her called Ginger. I was never introduced to her as Ginger, no. I think at the time I was introduced to her I was introduced to her as Izzy.

Q. Are you testifying here as a free and voluntary witness?           A. I am.

Q. Although you have had problems with the Federal Government [186] before, have you not?

A. I never have.

Mr. Sparrow: If your Honor please, I will object to the question as irrelevant, incompetent and immaterial.

The Court: He has already answered he never had.



(Testimony of Charles W. Briley.)

A. I have never had any trouble with anyone, any court.

Q. (By Mr. Hagerty): You were frequently out at this place?      A. I have been, yes.

Q. In Scottsdale, weren't you?      A. Yes.

Mr. Hagerty: No further questions.

Mr. Campbell: I have no questions.

Mr. Stout: I have no questions.

The Court: Step down.

(Witness excused.)

Mr. Sparrow: Shall we take the noon recess at this time?

The Court: Yes.

We will recess at this time, ladies and gentlemen, until 2:00 o'clock this afternoon. Please bear in mind the admonition of the Court not to discuss the case either among yourselves or with anyone else, do not form or express any opinion about it until it is finally submitted to you.

Two o'clock this afternoon.

(Whereupon an adjournment was taken until 2:00 p.m. this date.) [187]

September 27, 1955, 2:00 P.M.

GEORGE H. THOMAS, JR.

was called as a witness on behalf of the government, and being first duly sworn, testified as follows:

The Clerk: Will you state your name and occupation to the court and jury?

A. George H. Thomas, Jr.; safety engineer for Kennecott Copper Corporation, Hayden, Arizona.

Mr. Stout: I am sorry. I did not hear the description of your occupation.

The Witness: Safety engineer for Kennecott Copper Corporation, Hayden, Arizona.

Direct Examination

By Mr. Sparrow:

Q. Mr. Thomas, directing your attention to October, 1953, by whom were you employed at that time?

A. Precinct of Scottsdale as a constable, County of Maricopa, Deputy Sheriff, part time.

Q. At or about that time, did you have occasion to meet the defendant, Joseph Boyd? A. I did.

Q. Will you describe where it was that you met him?

A. Well, out on the desert, at the home belonging to Mr. Ellingson. [188]

Q. Did you have a discussion with him at that time? A. Yes, I did.

Q. What was the substance of it?

Mr. Stout: One moment. Objection, for the rec-

(Testimony of George H. Thomas, Jr.)

ord, on the ground that this is hearsay with reference to the defendant whom I represent.

The Court: The record will show that.

Mr. Campbell: Same objection.

The Court: The record will also show that.

The Witness: What was the substance of it, was the question?

Mr. Stout: Yes.

The Witness: So far as I remember, I remember it was changing fences so he could have horses——

Mr. Stout: I can't hear, if the Court please.

The Witness: So far as I remember, it was in regard to changing the fences around the place so he could have horses.

Q. (By Mr. Stout): Did you have any further discussion with him on that occasion?

A. I don't remember just exactly at that time.

Q. Did you have occasion to talk with him on more than one occasion? A. Yes, I did.

Q. Can you recall what, if any subjects you discussed on subsequent meetings? [189]

A. Oh, we discussed the fact that he was having quite a time financially. He had a lot of expenses, and along about the last time we talked, I think we discussed probable—remember, this is to the best of my memory—we probably discussed the fact that he was operating a house there.

Q. By a house, what do you mean?

A. House of prostitution. On the last conversation that I had with him, which was in the town of Scottsdale, he told me, well, "we are leaving,"

(Testimony of George H. Thomas, Jr.)

and I said, "That is a good idea." And that is the last. That was down town in Scottsdale.

Q. About when was that, do you recall?

A. Oh, around the middle of October sometime.

Q. Did you have occasion between the time that you first met the defendant Boyd and the time he told you he was leaving to visit the house which you described as Mr. Ellingson's house?

A. Yes, I did.

Q. On those visits, did you have occasion to see any people around the house?

A. Yes, yes, I did.

Q. Could you describe what you saw?

A. Well, there was Mrs. Boyd and at one time I saw a black-headed woman, and another time I saw two blonde-headed ladies.

Q. Could you describe the blondes that you saw with any more particularity? [190]

A. Oh, one was tall and the other one was short, as well as I remember. They both were pretty well bleached, as I remember. That is about all as far as exact details. One was tall and the other was short.

Q. Do you remember anything about the relative ages of the two blondes?

A. They were both young, young appearing, anyway.

Q. Do you recognize specifically anyone in the courtroom whom you have seen here as being either one or both of those blonde girls?

A. Well, there is a possibility I could be mistaken, but the young lady in the back, I think in

(Testimony of George H. Thomas, Jr.)

my own mind, is one blonde lady, and the other one was on the witness stand, I think. I am not sure.

Mr. Stout: May we have that answer read?

The Court: The other one I think is the lady who is on the stand, I am not sure.

Mr. Hagerty: May we have the blonde identified stand up, your Honor?

Q. (By Mr. Sparrow): Do you want to point her out?

A. Yes. Unless I am mistaken, it is the lady back of the aisle next to the last row, the only blonde-headed lady back there.

Mr. Hagerty: For the purpose of the record, Mr. Sparrow, may we have her identified? Is that Judy Burke? Is that the [191] name? Your Honor, could we have that information?

The Court: If Mr. Sparrow does not choose to disclose it at this time, I do not think I should force him to do so.

Mr. Hagerty: I will submit to your Honor's ruling on that.

Mr. Sparrow: No further questions.

Mr. Stout: No questions, your Honor.

Mr. Hagerty: We have no cross-examination, your Honor.

Mr. Campbell: No questions, your Honor.

The Court: You may step down. Next witness?

Mr. Sparrow: May this witness be excused?

Mr. Stout: No objection.

Mr. Campbell: No objection.

Mr. Hagerty: We have no objection.

The Court: The witness may be excused.



KENNETH WARD WRIGHT

was called as a witness on behalf of the government, and being first duly sworn, testified as follows:

The Clerk: Please state your name and occupation to the Court and jury.

A. Kenneth Ward Wright, station attendant at the 66 Truck Stop in Needles, California.

Direct Examination

By Mr. Sparrow:

Q. Mr. Wright, by whom were you employed in December, 1953?

A. By the County of San Bernardino as a Deputy Sheriff. [192]

Q. In that connection, did you in the course of your duties have occasion during that month at any time to raid a house of prostitution?

A. I did.

Q. Could you state, first of all, when that was?

A. On the evening of the 21st of December, 1953.

Q. What place was it to which you went?

A. The motels belonging to Tony's Spaghetti House, approximately four miles east of Newbury, California, on Highway 66.

Q. Newbury, California, is that near Barstow?

A. That is about 25 miles east of Barstow.

Q. Were there some arrests made on the occasion of that raid? A. There were three arrests.

Q. Will you state whether or not on that occasion you arrested one or more blonde girls?

(Testimony of Kenneth Ward Wright.)

A. I arrested one blonde, one redhead and one brunette.

Q. Do you remember the name of the blonde girl?

A. The name she was booked under was Cindy Martin.

Q. Do you recognize anyone whom you have seen in the courtroom as that person known to you as Cindy Martin?

A. I did.

Q. Who was that.

A. That was the witness, Mrs. Bell. [193]

Mr. Sparrow: No further questions.

Mr. Stout: I have no questions.

Mr. Hagerty: No cross-examination on behalf of the defendant, Boyd.

Mr. Campbell: No questions.

The Court: You may be excused, Mr. Wright.

### JOHN GOLDBERG

was called as a witness on behalf of the government, and being first duly sworn, testified as follows:

The Clerk: Will you state your name and occupation to the Court and jury?

A. John Goldberg, used car salesman.

### Direct Examination

By Mr. Sparrow:

Q. Prior to being in the used car business, Mr. Goldberg, in what business were you engaged?

A. Manufacturer of lingerie.

(Testimony of John Goldberg.)

Q. How long were you so employed and during what periods of time?

A. Oh, about either 1948 or 1949, until about 1954.

Q. Directing your attention to the Fall of 1953, did you have occasion to visit the town of Delano in California?

A. Around the Fall, yes.

Q. Do you recall the names of any of the places that you visited in Delano?

A. Well, there is five of them there: Kitty's, Ann's—— [194]

Q. You visited Kitty's and Ann's among others?

A. Three others.

Q. That was in connection with your business as a lingerie salesman?

A. That is right.

Q. Was Kitty known to you as anyone's "old lady"?

Mr. Campbell: Objected to as calling for hearsay, if the Court please.

Mr. Stout: That is also objected to on behalf of the defendant, Ege, as calling for hearsay.

Mr. Hagerty: May the objection be considered with respect to my client on the ground of hearsay.

The Court: Will you allow me to rule on it first? I was going to sustain it. Objection sustained.

Q. (By Mr. Sparrow): In the course of your business, did you have occasion to visit a number of houses of prostitution?

A. Yes, sir.

Q. In that connection, did you become familiar with the language used by those engaged in the business of prostitution?

A. Yes, I did.

(Testimony of John Goldberg.)

Q. Did you become familiar with the meaning of the term "old lady"?

Mr. Campbell: Objected to as immaterial and incompetent.

The Court: Overruled.

A. Yes, I was.

The Court: You may answer. [195]

A. Well, they have a saying of "old lady."

Q. (By Mr. Sparrow): What does that mean?

A. Well, that means——

The Court: Means what?

A. It means they are with some fellow.

Mr. Sparrow: Some fellow? In what connection are they with some fellow?

Mr. Campbell: Objected to as calling for a hearsay.

The Court: Let him answer.

The Witness: Well, the saying there is, an "old lady" that they are with somebody, you know, that they are with some man.

Mr. Sparrow: With a man?

A. Yes.

Q. What is that man known as?

Mr. Campbell: Same objection.

The Court: Same ruling.

Q. (By Mr. Sparrow): What is the term, if any, applied to that man?

A. Well, they call it fish.

Q. Do they call him by any other name?

A. No, fish.

Q. The man I am talking about.

(Testimony of John Goldberg.)

A. Yes, about the man. They call him fish.

The Court: They call him what? [196]

A. They call him fish.

Q. Fish? A. That is the term I know.

Q. (By Mr. Sparrow): Did they also call them pimps?

Mr. Campbell: Objected to as leading and suggestive, if the Court please.

The Court: That is leading and suggestive. Sustained.

Q. (By Mr. Sparrow): Is that term known to you as being synonymous with any other word other than fish?

A. Yes, well, it is the same as a pimp or fish. That is what they call them.

Q. In connection with your business, was the term, of your own knowledge, "old lady," applied to Kitty in Delano?

Mr. Campbell: Objected to as calling for his conclusion.

Mr. Hagerty: I make the further objection that calls for hearsay, in relation to the defendant, Boyd.

The Court: Overruled.

The Witness: What does that mean—to answer?

The Court: Answer.

The Witness: Give me that question.

(Question read.)

The Witness: She was the landlady.

Q. (By Mr. Sparrow): Was the term "old lady" also applied to her?



(Testimony of John Goldberg.)

A. Well, they usually call—in a business they usually [197] call everybody, “old lady.”

Q. In the meaning in which you just defined the word, “old lady,” was that term applied to Kitty?

Mr. Campbell: That is objected to as calling for his conclusion and hearsay, if the Court please.

The Court: Overruled.

A. Well, yes. “Old lady”—you hear that, yes.

Q. (By Mr. Sparrow): Was she described specifically as the “old lady” of a particular person?

Mr. Campbell: Same objection, if the Court please.

The Court: Same ruling.

The Witness: The only thing I know is from hearsay, hearsay that——

Mr. Campbell: I am going to object at this point to any further answer, if the Court please, the witness having stated his knowledge as completely hearsay, and I object upon the further ground that it is calling for his conclusion.

The Court: The objection will be sustained.

Q. (By Mr. Sparrow): Of your own knowledge, Mr. Goldberg, was the term “old lady” as applied to Kitty, was it applied as being the old lady of some specific person?

Mr. Campbell: Objected to as having been asked and answered, he having stated that his knowledge was hearsay. I submit this calls for hearsay.

The Court: Perhaps we could get at this in another way. [198]

(Testimony of John Goldberg.)

Q. Did you ever hear Kitty referred to as anybody's "old lady," anybody in particular?

A. Well, not from the place there, but I have heard it around, just as you hear, you know, "old man."

Q. Did you ask—did you find out who Kitty's "old man" was?

A. I don't know. I don't know.

Mr. Stout: Your Honor, I object.

The Witness: That is all I heard was his name.

Mr. Sparrow: What name had you heard?

A. Joe.

Mr. Stout: Your Honor, may I object?

The Court: Yes, you may object. The objection is overruled.

Q. Tell us what his name was?

A. The only thing I heard from hearsay I heard it was Joe Bruno, but that is all I know.

Mr. Stout: May the answer be stricken as hearsay?

The Court: Motion denied.

The Witness: I never met the man.

Mr. Stout: I ask that the answer be stricken.

The Court: The motion is denied.

Q. (By Mr. Sparrow): To your knowledge have you ever met Joe Bruno?

A. No, I never met him. [199]

Q. In connection with your visit to Kitty's in the Fall of 1953, Mr. Goldberg, did you have occasion to meet any blonde girls at that place?

A. Yes, I did.

(Testimony of John Goldberg.)

Q. One or more?

A. Well, it is pretty hard to say. I have met one I know.

Q. You remember one?

A. Yes. I just don't remember how many——

Q. By what name do you remember that one?

A. Cindy.

Q. Could you describe what Cindy looked like?

A. Tall, thin blonde.

Q. Would you describe her blonde hair as being bleached or natural?

A. Well, that I couldn't say. It was springy. That is all I can say.

Q. Was there anything about her that caused you particularly to remember the Cindy?

A. Well, I know—I never seen her before, she was new to me.

Q. She was new to you?                      A. Yes.

Q. Was there anything else in connection with your meeting her that caused you——

A. I tried to sell her clothes and she didn't buy any. She [200] didn't have any clothes.

Q. She didn't have any clothes?                      A. No.

Q. And yet she didn't buy any?                      A. No.

Mr. Sparrow: No further questions.

Mr. Stout: I have no questions, your Honor.

Mr. Hagerty: I have no questions, your Honor.

(Testimony of John Goldberg.)

Cross-Examination

By Mr. Campbell:

Q. Mr. Goldberg, you have been introduced here as an expert, I take it, in the language used in the business of prostitution. What type of lingerie is it that you are involved in?

A. Well, dresses, shorts, underwear, stockings.

Q. Is your clientele, or was your clientele made up of prostitutes?

A. Well, I went around to these houses and most of my business was there.

Q. Most of your business was there?

A. Yes.

Q. And over a period of six years?

A. Over a period of six years.

Q. What was the name of your establishment?

A. Well, the last one was I. C. Sales.

Q. Where is that located?

A. 883 Geary. [201]

Q. Are those premises in the vicinity of the place known as The Sarong Club, 875 Geary Street?

A. That is next door.

Q. You are next door to the Sarong Club?

A. Yes.

Q. Were you familiar with the people in the Sarong Club?

A. Yes, I go in there quite a bit.

Q. This girl whom you have described or named as Cindy, did you ever see her there?

(Testimony of John Goldberg.)

A. No, not that I know of.

Q. You stated, I believe, that you never met Joe Bruno, is that right?      A. That is right.

Q. How often did you call in connection with your business on the houses of prostitution in Delano?

A. Oh, at the rate of every three or four weeks.

Q. Every three or four weeks?

A. Something like that.

Q. And that continued for a period of approximately six years, is that right?

A. That is right.

Q. You called at the place known as Kitty's place that often?

A. Yes—well, I don't know, for six years now—wait a minute—that is, with that blonde there.

Q. How many places were operating in Delano during the Fall [202] of 1953?      A. Five.

Q. With the familiarity you have shown regarding that business, do you know it to be a fact that all the places in Delano were closed on approximately September 29, 1953, by the local authorities?

A. I couldn't be accurate about the dates.

Q. Is that about the time?

A. The dates I am not sure of.

Q. Do you remember the authorities in Delano having closed all the houses of prostitution shortly after the summer of 1953?

A. Yes, they was closed after awhile, but the accurate date I couldn't give you.



(Testimony of John Goldberg.)

Q. Weren't they closed there for the remainder of the year, do you recall?

A. I couldn't tell you truthfully.

Q. And haven't they been closed substantially all of the time since then, or up until the time that you left the business?

A. They were closed for quite awhile since I left the business.

Q. For months?

A. Before I left the business.

Q. And they have been closed for months, have they not? [203]

A. They have.

Q. If I stated to you that they were closed on September 29th, would you quarrel with that date?

A. Well, I wouldn't give you no date, because I am not sure of the dates. I can't give you dates because I don't really remember dates. Just around that time I was working down there until they closed.

Q. You say that you have heard Joe Bruno referred to as the "old man" or fish or something of Kitty.

A. Well, I just heard of Joe Bruno, you know, his name mentioned there, but I never met Joe Bruno, see?

Q. Did you ever hear that he was anything more than a friend of Kitty?

A. Well, I don't know. As "old lady"—they mention "old ladies," friends, this and that; but I heard "old lady." I heard "friend"—you know what I mean—I really don't know.

(Testimony of John Goldberg.)

Q. Of your own knowledge, you know nothing about their relationship, do you?

A. No, about their relationship I don't know, only from hearsay.

Q. And in that business in which you were engaged, and in the prostitution business, racket, people you were dealing with, rumors of all kinds are very common, are they not?

A. Yes, you hear a lot of stories. [204]

Q. A lot of those stories prove to be untrue if you come up against facts, do they not?

A. Well, I never put my mind down to it, if they were true or not. It was none of my business.

Q. Of your own knowledge, you know nothing of their relationship?

A. No, I don't know anything about their relationship.

Q. And you never met Joe Bruno?

A. No, I never have met Joe Bruno.

Mr. Campbell: That is all.

Mr. Sparrow: May this witness be excused?

Mr. Stout: I have no objection.

Mr. Hagerty: I have no objection.

The Court: He may be excused.

JOHN C. MOE

was called as a witness on behalf of the government, and being first duly sworn, testified as follows:

The Clerk: Please state your name and occupation to the Court and jury.

A. John C. Moe, Special Agent, Federal Bureau of Investigation.

Direct Examination

By Mr. Sparrow:

Q. Were you employed in that capacity in January of this year, Mr. Moe?

A. Yes, sir. [205]

Q. Where was your place of employment?

A. San Diego.

Q. Directing your attention to January 12, 1955, did you have occasion in San Diego to interview the defendant, Joseph Boyd?

A. I believe that is the date, sir, if I may refer to my notes to be sure.

Mr. Campbell: At this time may the record show my objection goes to all the testimony of this witness concerning interviews with Mr. Boyd.

The Court: The record will show that.

Mr. Stout: May I also have the same objection?

The Court: The record will show that.

Q. (By Mr. Sparrow): These notes were made by you in the course of your employment at about the time in question, is that correct?

A. These notes were made by me at the time I

(Testimony of John C. Moe.)

interviewed Mr. Boyd, and as to your previous question, I interviewed him on January 12, 1955.

Q. Did you ask him at that time what his employment was? A. Yes, sir, I did.

Q. What did he say?

A. He told me he was a gambler by occupation.

Q. Did you ask him as to his whereabouts in the Fall of 1953? A. Yes, I did. [206]

Mr. Stout: Excuse me, your Honor. Before the witness proceeds any further, may we see the notes, please, that he is referring to?

The Court: You may. Hand them to Mr. Sparrow.

(The document referred to was thereupon handed to Mr. Sparrow and thence to counsel for the defense.) [207]

Mr. Stout: I wonder if your Honor would instruct the jury at this time that, since the evidence so far elicited develops that conspiracy was at an end, that the statements made by Joe Bruno in this interview are binding only upon him?

The Court: I will not do so.

Mr. Stout: Excuse me, I mean Joe Boyd. With that correction, what is your Honor's ruling?

The Court: Still stands.

Mr. Sparrow: Mr. Moe, did you have occasion at that time to ask the defendant, Joe Boyd as to his whereabouts in the Fall of 1953? A. I did.

Q. And what was his reply?

A. He stated he could not recall where he was during the Fall of 1953. He had first stated that.

(Testimony of John C. Moe.)

Q. Did he subsequently make a different statement?

A. He afterwards stated that about a year ago last September——

Q. Excuse me a minute. This is part of the same conversation, is it?

A. Yes, sir. During September of 1953 he was in Scottsdale, Arizona.

The Court: In September, did you say?

A. September, yes, sir.

Q. (By Mr. Sparrow): Did he say anything as to where he was in October, 1953, subsequently?

Mr. Campbell: If the Court please, may I suggest that the entire conversation be elicited rather than by leading or suggestive questions? I object to this last question.

The Court: That might be preferable, and also I think it would be in the interests of time, Mr. Sparrow.

Mr. Sparrow: Certainly, if your Honor please.

The Court: Would you put it in narrative form. Just tell us the entire interview that you had, refreshing your memory from your notes, if necessary.

The Witness: Yes, sir. I asked Mr. Boyd whether—if he could recall where he was during the Fall of 1953, to which he replied—at first replied that he did not, could not recall where he was during the Fall of 1953. He afterwards stated, insofar as he could recall, about September of 1953 he was in Scottsdale, Arizona. While there he stayed at the Palms Motel. He afterwards changed that to



(Testimony of John C. Moe.)

the El Rancho Motel, stating he stayed there for about 25 days.

He stated that on arrival there he planned to set up gambling and contacted the local constable, who gave him the green light for poker and dice. He stated that no pay-offs were made to the local constable. He also stated that his purpose in going to Scottsdale was to marry—remarry his wife; that he had married her in Tijuana, Mexico, about 1951, and that every year thereafter he remarries her.

He stated that his wife's name was Isadora McCormick. [209]

Q. (By Mr. Sparrow): Did you ask him whether or not his wife was known by any other name than Isadora?      A. I did.

Q. Would you recite the conversation?

A. He stated that his wife had also been known under the name—Izzy.

I also asked him if she had ever been known under the name Ginger, to which he replied that she had never been known under the name Ginger, and that the only person whom he knew under the name Ginger was one associated with Mr. Ege.

Mr. Stout: Your Honor—excuse me—object to that as hearsay with reference to the defendant, Ege—I will ask that it be stricken.

The Court: Motion denied.

A. He stated he knew nothing concerning the Ginger associated with Ege's background.

Q. (By Mr. Sparrow): Would you recite the rest of the conversation?

(Testimony of John C. Moe.)

A. He stated that the premises which he rented in Scottsdale were rented from a Mr. J. Walter Ellingson.

He stated he could not recall the amount of rent or the size of the residence.

Concerning this, he related that he had planned to rent a five or six unit motel in that area, but could not locate [210] anything like that.

He stated that he made no money gambling in Scottsdale and afterwards had to sell his '52 Cadillac.

Concerning this, I asked him how he had obtained funds to purchase a 1953 Cadillac. He furnished no explanation for that.

He stated that on purchase of the car from Dan Compton, the salesman in Phoenix——

The Court: That's the '53 Cad?

A. Yes, sir.

The Court: In other words, I didn't quite understand that—you say he told you he had to sell his '52 Cadillac, and then you say he had a '53 Cadillac?

A. Yes, sir. He purchased a '53 Cadillac from Dan Compton.

The Court: Did you ascertain the amount of time that elapsed between the sale of the '52 Cadillac and the purchase of the '53 Cadillac from Compton?

A. I don't have that information here, sir.

The Court: Did you ask him?

(Testimony of John C. Moe.)

A. I don't recall whether I asked him that or not.

The Court: Go ahead.

A. He stated that the information which he had furnished—that at the time of purchase of the Cadillac from Compton, he gave a Phoenix, Arizona address, and he also stated that the employment references and information on the application [211] which he filled out at the time of the purchase of this car in Phoenix were principally false.

Q. (By Mr. Sparrow): Did you ask him as to knowing either the defendant, Ege, or the defendant, Bruno?

A. Yes, sir. Concerning the defendant, Ege——

Mr. Stout: May the objection be noted on this, your Honor, that it is hearsay.

The Court: It will be so noted.

A. He stated that he first met Mr. Ege in the Sarong Club in San Francisco about two years previously. At that time Ege was going to buy part of the Sarong Club. His only contacts with Ege, he stated, was when Ege took over his, Boyd's, house in San Francisco. He stated he knew nothing concerning the 700 block or concerning anything in the 700 block on Monterey Street, nothing concerning activities thereafter, after he, Mr. Boyd, left there. He denied knowing anything concerning Mr. Ege's activities or associates.

Q. (By Mr. Sparrow): How about the defendant Bruno?

A. Concerning Mr. Bruno, he stated he was re-

(Testimony of John C. Moe.)

motely acquainted with Joe Bruno. He had heard rumors that Bruno operated a house of prostitution, but thought that Bruno was too smart to be involved in such an operation.

He further stated that Bruno was tied in with a fishing operation in Monterey in some manner.

He also stated that he had played cards with Bruno [212] on some occasions.

Q. Did you ask him concerning his acquaintance-ship with either Miss Bell or a Miss Berg?

A. I asked him that, sir, and I also showed him photographs of both Miss Bell and Miss Mildred Berg. He denied knowing either one. He stated that he had seen Berg, but he knew nothing about her. He denied knowing Bell at all.

Mr. Sparrow: No further questions.

Mr. Stout: I have no questions of this witness.

### Cross-Examination

By Mr. Hagerty:

Q. Mr. Moe, how long did you have this discussion or conversation with Mr. Boyd, how long did it take?

A. From 10:45 a.m. until 11:05 a.m. on the 12th of January.

Q. Slightly less than an hour?

A. Well, one hour and five minutes.

Q. Where was this conversation held?

A. In the F.B.I. office in San Diego.

Q. In San Diego?

(Testimony of John C. Moe.)

A. That is, in the San Diego Trust and Savings Bank Building.

Q. Had you sent for Mr. Boyd to come to see you?

A. I had left word with his wife's—with a Mr. and Mrs. McCormick in San Diego——

Q. I see.

A. ——to have him call me or to have him—or have them advise me should he show up in San Diego, stating that I wished [213] to talk to him.

Q. And as a consequence of that notice, he came in to talk to you, did he not?

A. He called me, yes, sir, and I——

Q. And he talked——

A. ——and I requested that he come in.

Q. And he talked freely with you about the questions that you asked him, isn't that true?

A. No, sir.

Q. Did he talk to you for an hour and five minutes—you said he did.

A. Yes, sir, yes, he talked to me for an hour. Most of the time I was asking him questions.

Q. You were asking him questions?

A. Yes, sir.

Q. He was not under arrest, was he?

A. No, sir, he was not.

Q. And he could have refused to talk to you altogether, couldn't he?

A. Yes, sir. He was advised to that effect.

Q. Yes, but he didn't, did he?

A. He didn't refuse to talk, no.



(Testimony of John C. Moe.)

Q. No, he talked to you, gave you a lot of information, didn't he?

A. Well, he gave me some. That's a matter of opinion. [214]

Q. Well, he couldn't give you information about things he didn't know, could he?

Mr. Sparrow: If your Honor please——

Mr. Hagerty: I will withdraw it.

Mr. Sparrow: ——object to it as argumentative.

Mr. Hagerty: I will withdraw it.

Q. He told you he was a gambler, didn't he?

A. Yes, sir.

Q. Had you ever seen him playing cards?

A. No, sir.

Q. He told you his wife's name was Izzy, or she was known as Izzy, isn't that right?

A. Yes, sir.

Q. And her name was, you verified, Isabel McCormick, didn't you?

The Court: Isadora.

Q. (By Mr. Hagerty): Isadora.

A. Yes. Her maiden name, apparently.

Q. You talked to the parents, didn't you, her parents?

A. I talked to her father subsequently, sir, not at that time.

Q. And he told you, also told you that he was in Scottsdale or in Phoenix because they had been married about ten years and that each anniversary they went to a different state and were [215] remarried?

(Testimony of John C. Moe.)

A. Well, he stated that he had first married her in Tijuana about 1951 and then each year subsequent they went somewhere else to be remarried to each other, yes, sir.

Q. On their anniversary.

Mr. Hagerty: No further questions.

Mr. Campbell: I have no questions.

Mr. Sparrow: May this witness be excused?

Mr. Campbell: Certainly.

Mr. Hagerty: Yes.

Mr. Stout: Yes.

The Court: You may be excused.

(Witness excused.)

### RAY M. ANDRESS

called as a witness on behalf of the government,  
being first duly sworn, testified as follows:

The Clerk: Please state your name and address,  
and occupation to the Court and the jury.

A. Ray M. Andress.

### Direct Examination

By Mr. Sparrow:

Q. Your occupation, Mr. Andress?

A. Special Agent for the Federal Bureau of Investigation.

Q. How do you spell your last name?

A. A-n-d-r-e-s-s.

Q. Were you so employed, Mr. Andress, in June, 1955?

A. Yes, I was. [216]

(Testimony of Ray M. Andress.)

Q. Where were you employed at that time?

A. At the City of San Francisco, County of San Francisco Division.

Q. And during that month, did you have occasion to talk with the defendant, Joseph Boyd?

A. I did.

Q. Was it on more than one occasion in that month?

A. Yes.

Q. And do you recall the dates?

A. The first time I had occasion to talk to him was on June 21, 1955.

Q. And the second?

A. The second was on June 23, 1955.

Q. Did you thereafter have occasion to talk with him on any other day?

A. On September 6, 1955.

Q. Now, going back to June 21, 1955, where did you talk with him?

Mr. Campbell: I make the objection, if the Court please, that as to the defendant, Bruno, this is hearsay as after the termination of any conspiracy as alleged in the indictment and is incompetent.

The Court: Overruled. Subject to the customary notation in the record.

Mr. Stout: Same objection on behalf of the defendant, [217] Ege.

The Court: Same ruling.

Q. (By Mr. Sparrow): Where was that meeting with the defendant, Boyd? On June 21.

A. I first talked to him on June 21 at 81-A Ina Street.

(Testimony of Ray M. Andress.)

Q. Where is that?

A. It would be in the south part of the city, San Francisco, what I believe is referred to as the Excelsior District.

Q. Was anybody else present at that conversation?

A. Yes, Special Agent Richard E. Lubbin.

Q. Of the Federal Bureau of Investigation?

A. Yes.

Q. Was anyone else there?

A. No, no there was no one else except Mr. Boyd.

Q. Would you recite the substance of that conversation which you had with the defendant, Boyd, on June 21 in San Francisco?

A. Well, at that time I first approached Mr. Boyd, I had a warrant for his arrest, and in talking to him at that time, he wanted to know what charge he was arrested on; which I explained to him.

Q. What did you say in that connection?

A. I told him he was arrested for violation of the White Slave Traffic Act and for conspiracy.

Q. Did you also make any further statements to him as to [218] whether or not he had to say anything?

A. I told him that all he had to do was to identify himself or admit if he was the person named in the warrant, that he didn't have to say anything to me, that anything he might say to me at that time or any subsequent time can be used against him in court.

(Testimony of Ray M. Andress.)

Q. Notwithstanding that, he talked with you there, did he?           A. Yes, he did.

Q. Would you recite the substance of that conversation?

A. Well, in regard to the conspiracy, he said at that time, "Well, if taking telephone calls is conspiracy, then I have committed conspiracy."

Q. Did he identify the person with whom he might have had any telephone calls in connection with that statement?           A. Yes, he did.

Q. Who was that person?

A. Mr. Edward Ege.

Q. And what, if any, conversation was had further?

A. Well, at that time he admitted that he had operated a house of prostitution at Scottsdale, Arizona, and he also admitted that a Constance Marie Bell and Marian Louise Berg had worked there for him as prostitutes.

I asked him why he hadn't told the agent that in San Diego when they asked him, interviewed him. He said, "well, at that time he didn't feel like telling them the truth."

Q. Did he state when he had operated this house of prostitution [219] in Scottsdale?

A. He stated that he went to Scottsdale about the first part of October, 1953, and that he was down there possibly three weeks.

Q. Did you have any conversation with Boyd as to whether or not he had talked with anyone about the matter with which he was charged?



(Testimony of Ray M. Andress.)

A. He said that he had contacted Miss Berg and had talked to her about the operation at Scottsdale and about her working there, to see what she would say.

Q. Did Boyd make any statement as to his operating a house of prostitution in any other place?

A. Yes, he told me he had operated a house of prostitution in Bakersfield since that time.

Q. Did he say where in Bakersfield?

A. He said it was the P. and H. Apartments, located in the Oildale District in Bakersfield.

Q. Did you have any conversation with him as to whether or not he had had a telephone conversation with the defendant, Ege, while Ege was in San Francisco and Boyd was in Scottsdale, Arizona?

A. Yes, he did. He said that they had.

Mr. Stout: May the record note objection as hearsay, your Honor.

The Court: Objection overruled, proceed. [220]

A. He stated that there had been several telephone calls between himself and Mr. Ege from Arizona to San Francisco.

The Court: We will take the afternoon recess.

Q. (By Mr. Sparrow): Returning to the conversation that you had with Mr. Boyd in San Francisco on June—I am sorry; strike that. When you left off at the recess we were still talking about the June 23rd meeting with Mr. Boyd?

A. June 21st.

Q. Was there any other conversation on the

(Testimony of Ray M. Andress.)

occasion of that June 21st discussion with Mr. Boyd that you recall?

A. No, I can't recall anything else.

Q. Now, going to the June 23rd conversation, would you describe where that was held and who was present?

A. That was in the 800 block of Geary Street and there was just I and Mr. Boyd.

Q. And how did it happen? Did you seek Mr. Boyd out?      A. No, I was down——

Q. Under what circumstance?

A. I was working down in that section and he saw me and approached me and began talking.

Q. Would you recite the substance of that conversation?

A. Well, he again talked about his—about the case, that is, the charge that was against him, and said that he had been operating in that fashion for several years, but he——

Q. Operating in what fashion?

A. In small houses around the country. He says, "You know what"—the language, I can quote just exactly what he said: [221] "You know that I have always operated in the last few years in that manner in several places around the country." He says, "I admit I had the house in Scottsdale, Arizona." He said, "I know that when Mrs. Bell left Scottsdale she came to Delano, California but," he said, "that arrangement was made by Mr. Ege." He said, "I had nothing to do with her coming up there to go to work." He said that he didn't know how friendly

(Testimony of Ray M. Address.)

Mr. Bruno and Mr. Ege were, but that Bruno had been in operations—or Mr. Bruno had been in operations around Delano for several years.

Q. What sort of operations?

Mr. Campbell: Is this supposed to be part of the conversation?

Mr. Sparrow: I will withdraw the question.

Q. Did you ask him what sort of operations Bruno had been engaged in?

A. He put it in just these words; he says, “Bruno has been—Mr. Bruno has been operating a house around Delano for several years.”

Q. Do you recall anything further that he said on that occasion?

A. Nothing pertinent to this case. There was other small conversation, there was other people came up and he just continued the conversation.

Q. Now, you have previously testified that you had a third [222] meeting with him on September 6th, 1955. Would you recite the place, the persons present, the circumstances under which you had that conversation?

Mr. Campbell: I would make the same objection to the further conversation. This was the time subsequent to the return of the indictment in this case and therefore is clearly not binding upon the other defendants.

The Court: Overruled.

Mr. Stout: May I make the same objection on behalf of the defendant Ege?

The Court: Same ruling.

(Testimony of Ray M. Andress.)

Q. This happened September 6th, Mr. Andress?

A. Yes, September 6th.

Mr. Sparrow: Will you recite the circumstances, the persons present, and tell us where that meeting took place?

A. On September 6th I was with Agent Paul Cramer; we were driving north on Geary Street and Mr. Boyd drove by us and blew his horn. He apparently recognized me, and we pulled around the corner of Geary to Leavenworth Street and stopped, and Mr. Boyd came back to my car and said that he wanted to talk to me. And at that time I again told him, cautioned him, I said, "Now you know"—I referred to him as Joe—I says, "You know, Joe, that in talking to me that anything you say or might tell me I can always testify to it in court." He says, "Well, that doesn't matter." He said, "Mr. Ege has [223] been talking to me, wanting me to get up and say that I didn't have any telephone conversations with him between Arizona and San Francisco." And he says—and I quote, "I told Ege that I can't do that because you know we had a number of conversations."

Q. Do you recall anything further that was said?

A. That was just about the extent of our conversation at that time.

Q. Mr. Andress, in connection with your work with the Federal Bureau of Investigation, have you had occasion to work a particular type of case more or less to the exclusion of other types of cases?

A. Yes, I have.

(Testimony of Ray M. Andress.)

Q. What type of cases?

A. White slavery traffic act cases.

Q. Over what period of time have you been engaged in the investigation of such cases?

A. About nine years.

Q. In that connection, Mr. Andress, have you had occasion to become acquainted with the reputation of Roxy's in Las Vegas?

Mr. Campbell: Just a moment, if the Court please. We will object as hearsay and an opinion and conclusion of the witness.

The Court: What is the purpose of this? [224]

Mr. Sparrow: To establish the character of Roxy's.

The Court: I think that has been pretty well established, hasn't it?

Mr. Stout: I may question him further on the same subject.

The Court: I have made my ruling. You don't need to make any further remarks.

Mr. Sparrow: I have no further questions.

☛

### Cross-Examination

By Mr. Stout:

Q. In the conversation of June 23rd you testified that Mr. Boyd approached you in the 800 block on Geary Street; is that correct?

A. That's right.

Q. Now, as a part of that conversation did Mr. Boyd ask you to intervene on his behalf with the



(Testimony of Ray M. Andress.)

United States Attorney?           A. No.

Q. Did Mr. Boyd at that time offer to become a government witness in this case?

A. He did not.

Q. Did you at any time suggest to him that he do such a thing?           A. I did not.

Q. In connection with the conversation here in the last several weeks—that is the one of September 6th, as I [225] understand it—you saw him at Geary and Leavenworth Streets; is that correct?

A. Right.

Q. And it was in that conversation that he told you about Mr. Ege's contacting him; right?

A. Right.

Q. In that conversation with the witness or with the defendant Boyd did he allude to the fact that he would offer to turn government witness?

A. He did not.

Q. Did you suggest a thing like that to him?

A. I did not.

Q. What did you say when you cautioned him that what he was telling you would be used against him?

A. I told him—I can quote just the words that I used. I said, "Joe, you know that anything you say to me at any time I can testify to in court concerning this case." I had cautioned him about that several times.

Q. In other conversations?

A. Yes. He was talking freely, and I told him that "Anything you say to me any time—I don't

(Testimony of Ray M. Andress.)

work on anything off the record; you can't talk to me off the record. It just isn't done."

Q. Those were the words you used to Mr. Boyd, but he persisted in this conversation with you; is that correct? [226]

A. He continued the conversation for a short period, yes.

Q. You knew that he had entered a plea of not guilty to this particular charge, did you not?

Mr. Sparrow: Object to the question as irrelevant, incompetent and immaterial.

The Court: Overruled.

A. Yes, he told me that he had.

Q. (By Mr. Stout): In which of the several conversations?

A. I believe it was September 6th, was the time that he told me he had entered a plea of not guilty. However, I knew that as a matter of record because I had checked the record before that, but he mentioned that to me.

Q. You knew that this matter was to start trial in the latter part of September, 1955, did you not, from checking the record? A. I did.

Q. Is it your testimony that at no time did you ask Mr. Boyd to become a government witness nor did he volunteer it in any manner whatsoever; is that correct? A. That is correct.

Q. Did you offer to him that he could profit directly or indirectly by such action on his part?

A. I did not.

Q. Did you ask him why he was telling you these

(Testimony of Ray M. Andress.)

things that he narrated to you in these several conversations? [227]      A. I did not.

Q. Why not?

Mr. Sparrow: If your Honor please, I will object to the question as irrelevant, incompetent and immaterial and also calling for his opinion and conclusion.

The Court: Let him answer.

A. In my business—I have been doing this for some 17 or 18 years and I never question anyone's reason for telling me those things. It is my business to listen to these people and get all the facts and that is the way I get it. I didn't question him as to why he was talking to me.

Q. You accepted it as a free gift?

A. Right.

Q. It is your experience that people who make a proffer of a free gift of testimony or admissions or confessions to you do it with usually some ulterior motive in mind, do they not?

Mr. Sparrow: Object to the question on the ground that it is argumentative, if your Honor please.

The Court: Sustained.

Q. (By Mr. Stout): You have been investigating white slave cases for how long, sir?

A. It is approximately nine years—probably eight years; a little over eight years.

Q. In that period of time you have questioned many, many, [228] persons accused of participating in white slave cases; right?

(Testimony of Ray M. Andress.)

A. I couldn't even tell you how many.

Q. It would number in the hundreds and possibly even in the thousands, isn't that so, Mr. Andress?

A. Yes, it is.

Mr. Sparrow: If your Honor please, I will object to the question as irrelevant, incompetent, immaterial.

The Court: Overruled.

Q. (By Mr. Stout): In that period of time, Mr. Andress, from your experience with these people, isn't it a fact that the only time that they volunteer information is when they expect to get something from the FBI in return?

Mr. Sparrow: If your Honor please, I will object to the question, first on the ground that it is argumentative, and second, on the ground that it is incompetent, irrelevant and immaterial and doesn't tend to prove or disprove any of the issues in this case.

The Court: Sustained.

Mr. Stout: I have no further questions.

Thank you, your Honor. [229]

#### Cross-Examination

By Mr. Hagerty:

Q. Mr. Andress, did you make notes after these various conversations? A. Yes, sir.

Q. Did you refresh your memory before testifying here today from those notes? A. I did.

Q. Did you commit them to memory? Is that

(Testimony of Ray M. Andress.)

how you were able to repeat these various conversations?

Mr. Sparrow: I will object to the question on the ground that it is argumentative, if your Honor please.

The Court: Overruled.

A. I immediately make notes on these conversations, most of the time during the conversations.

Q. (By Mr. Hagerty): Have you got those notes with you? A. No, I don't.

Q. You don't have them with you. Isn't it a fact that on this conversation that you had, the last one, September 26th—September 6th of this year—that you and Agent Cramer were following the defendant Boyd in his automobile and you were in a car and you were trailing him?

A. Absolutely not.

Q. You didn't follow him for several blocks?

A. We were on another assignment, no connection with Mr. Boyd whatsoever. Mr. Boyd passed us up. I was—I wasn't driving; Mr. Cramer was driving, and he recognized me and blew [230] his horn and said, "I want to talk to you." He came from the back of our car—drove up beside us and said, "I want to talk to you about a minute," and we pulled over and had this conversation.

Q. You fix its location as being where?

A. This is at the corner of Jones—or Geary and Leavenworth, just around the corner, would be heading toward Market Street from Geary Street.

Q. And what time of the day?



(Testimony of Ray M. Andress.)

A. It was in the afternoon; I don't recall the exact time.

Q. What sort of car was Mr. Boyd driving?

A. At that time he was driving, I believe it was a '53 or '54 Chevrolet coupe.

Q. Color?

A. Kind of a brown—brown body, I believe. I'm not sure of the color; I didn't pay too much attention to the car, but I am positive it was a Chevrolet.

Q. Where did he park?

A. He parked about two or three cars ahead of us.

Q. He double-parked in the street?

A. No, sir.

Q. Parked next to the curb? A. Yes.

Q. Was it on Leavenworth, you say?

A. Yes. [231]

Q. Off Geary? A. Yes.

Q. North or south of Geary? A. South.

Q. South of Geary?

A. Now it was just—it was a couple of blocks up—as you know the street is one way part of the way up Leavenworth, and this was just before it becomes a one-way street.

Q. You weren't a block away from Geary?

A. No, we were in the first block off of Geary.

Q. Did you see the person riding in the car with Mr. Boyd? A. Yes.

Q. And did you know that person?

A. I believe it was his wife; I am not positive.

(Testimony of Ray M. Andress.)

I know that it was a light haired woman—I would consider it very light brown hair.

Q. How close did you get to her?

A. Oh, I was never any closer than at the time he passed us in the car. I was never any closer than that.

Q. You were never within earshot of her, were you? Could she hear the conversation you had with Boyd?      A. No.

Mr. Sparrow: I haven't objected heretofore, but I will object on the ground that this line of questioning is irrelevant, incompetent and immaterial.

The Court: Overruled.

Q. (By Mr. Hagerty): As a matter of fact, didn't Mr. Boyd get out of the car and say to you, "Why are you following me?"

A. No, he did not.

Q. He didn't say that? Did you get out of your car?

A. No; Mr. Boyd came back to my car and leaned in the window and talked to me a few minutes, and then he says, "I want to talk to you," so I got out of the car and we stood on the sidewalk by the car.

Q. And at that time didn't you say to him, "Have you seen Judy Berg?"      A. Yes.

Q. And didn't he say, "Yes, I saw her about two weeks ago in Fresno"?      A. Yes, he did.

Q. Is that the Judy Berg that is sitting there in the courtroom with her hand to her face?

A. Yes, it is.

(Testimony of Ray M. Andress.)

Q. You have known her for how long a time?

A. Oh, for a year or so.

Q. And didn't you say to him, "We have lost track of her; we are trying to find her and we don't know where she is?"

A. I said that I made a telephone call to her former residence the other day in an endeavor to contact her, and she wasn't there, the phone had been disconnected. I said I wanted [233] to get with her.

Q. Didn't you say further, "I was going to put her in custody so we would know that she would be available as a witness, and I didn't because she said, 'I will always be available at the phone number and the address he had given you' "?

A. No, I am sure I didn't say anything about custody.

Q. Didn't you ask him to see if he could locate her and tell her that you wanted to see her?

A. I said to him, "If you see her, just tell her I am looking for her."

Q. Didn't you say to him, "Joe, since your arrest in this case you have never talked to me about it. Why don't you sit down and have a good talk with me and maybe you will walk free out of this whole thing"?

A. No. He said to me, "I am going to talk to my attorney, Mr. Hagerty." He says, "I have been talking to him, and we are going to come to your office on Thursday and I am going to give you a complete story." He says, "Mr. Hagerty says he

(Testimony of Ray M. Andress.)

will be available Thursday or Friday and I will call you and let you know." He says, "I don't know why Mr. Hagerty is holding up to go over and talk to you, but he told me to make an appointment for Thursday and we are going to talk to you about this case. I want to give you my side of the story. He says, "I know I am in this; I know that I am sunk, but I [234] want to give you my side of the story." Those were the words he used. But he says, "Mr. Hagerty is busy, and possibly he will be free Thursday and we will come over to your office and talk to you about it."

Q. Now isn't it a fact that you said to him, "Joe, I'm sorry to see you even involved in this case because I know you had nothing to do with the traffic of these girls from California to Arizona; I know that Judy came on her own. As a matter of fact Judy, when I brought her to testify before the Grand Jury told that to the Grand Jury, and I had to take her from the stand, take her back up to the office and tell her that she might be booked in this thing as an accomplice, to get her to come back and incriminate you in this charge"? Isn't that what you told him?

A. I think that is ridiculous, Mr. Hagerty.

Q. I'm not asking your opinion or what you think. I would like to have an answer to the question.

A. I couldn't have possibly told him anything like that.

(Testimony of Ray M. Andress.)

Q. Your answer is "No," then; you didn't say it?  
A. Absolutely.

Q. Isn't it a fact that when you brought Judy Berg—don't you know this of your own knowledge—to testify in this matter before the Grand Jury she had stated that she had gone to Arizona on her own, taking this girl pal with her and that she had no understanding or agreement of any kind with Joe [235] Boyd at the place in Scottsdale?

A. I had no idea what Miss Berg may have said before the Grand Jury, no idea at all. I have never seen that transcript and I have no idea what she said.

Q. Don't you know from conversations with Miss Berg that she was brought to testify before the Grand Jury, then taken back and brought back later after she had been interviewed either by you or by the U. S. Attorney's staff, at which time she testified totally differently than she had originally?

Mr. Sparrow: If your Honor please, object to the question as entirely incompetent, irrelevant and immaterial.

A. I only recall——

The Court: Overruled.

A. I only recall her being to the Grand Jury on one occasion, and at that time I looked her up so that the subpoena could be served on her. The second time you might be referring to was when I interviewed her in connection with something else that came up in regard to this case, some other possible violations. As far as I know, she has never



(Testimony of Ray M. Andress.)

been to the Grand Jury except on the one occasion.

Q. (By Mr. Hagerty): Didn't you make statements to various people that if Joe Boyd would come in and testify in this matter against the others, then he could go free? A. Absolutely not.

Mr. Hagerty: No further questions. [236]

Mr. Campbell: I have just one or two questions.

### Cross-Examination

By Mr. Campbell:

Q. I take it that you were the agent who was in charge of this particular investigation?

A. That's right, sir.

Q. And the various phases of the investigation were undertaken either by you or by others at your direction; is that correct? A. That's right.

Q. So that prior to your interview with Mr. Boyd on June 21st you were aware of and had had a report of the interview by Agent Moe at San Diego? A. Yes.

Q. And isn't it a fact that the interview with Mr. Boyd at San Diego was at your request?

A. Yes.

Q. Now as to the interview on June 21st at which you stated there was present another agent, Special Agent Lumen—— A. Lubben.

Q. I got the spelling wrong. Special Agent Lubben. That was an interview which you had with him at the time that he was placed under arrest; is that correct? A. That's right.

(Testimony of Ray M. Andress.)

Q. You were serving a warrant of arrest on him? A. That's right. [237]

Q. Now did you personally, or did you cause other agents to interview the defendant Ege in connection with the investigation? A. Yes.

Q. And on more than one occasion?

A. I know of possibly two occasions that he may have been interviewed.

Q. And that was in connection with this case which you were investigating? A. That's right.

Q. And either you yourself or other agents at your request and under what is known as a collateral investigation interviewed at one time or another during the course of the investigation these various people who have been produced here as witnesses; is that correct? A. That's right, sir.

Q. Now, Mr. Andress, during the course of this investigation and with reference to this particular case, did you ever interview or cause any other agent on a collateral request to interview Mr. Bruno with respect to these matters?

Mr. Sparrow: If your Honor please, I will object to the question as incompetent, irrelevant and immaterial, and not proving or disproving any of the issues in this case.

The Court: Overruled.

A. As I recall, I had—I wasn't in personal contact with [238] Mr. Bruno at the time of his arrest, but as I recall, an attempt was made to interview him, yes.

Q. When? A. At the time of his arrest.

(Testimony of Ray M. Andress.)

Q. By whom? A. The arresting agents.

Q. Was he arrested by an agent of the Federal Bureau of Investigation or by the United States Marshal?

Mr. Sparrow: If your Honor please, I will object to that as calling for the opinion and conclusion of the witness.

The Court: If he knows, he may answer.

A. He was arrested by FBI agents.

Q. (By Mr. Campbell): Had you sent out a collateral on that for interrogation of Mr. Bruno?

A. Yes.

Q. And that was the first time so far as your investigation was concerned—that is on the occasion of his arrest—that you called for any interview of him with respect to this case? A. No.

Q. Did you ever attempt personally to interview him? A. No.

Q. Do you of your own knowledge know of any other agent who attempted to interview him with respect to this case? A. These people—— [239]

Q. No; answer the question yes or no, if you will, Mr. Andress.

A. I have made a number of requests for interviews of these people, of these defendants—a number of requests.

Q. Now, Mr. Andress, in addition to being an agent you are also an attorney, are you not?

A. Had some training, sir.

Q. Legal training? A. Yes, sir.

(Testimony of Ray M. Andress.)

Q. Let's have that question read back to you. I will have the reporter read the question.

(The reporter read the question as follows:  
"Do you of your own knowledge know of any other agent who attempted to interview him with respect to this case?")

Mr. Sparrow: I will object to the question as incompetent, irrelevant and immaterial, if your Honor please.

The Court: Overruled.

A. I cannot name the agents at this time, but I know that the requests were made and I made the requests.

Q. (By Mr. Campbell): Do you of your own knowledge know, Mr. Andress, if any of those agents—of your own knowledge—actually attempted to interview Mr. Bruno?

A. I don't know; I can't—

Q. You can't say? [240]

A. You mean personally? I would have to qualify that.

Q. Do you have knowledge—with your legal training I think you know what I mean.

A. Well, I don't have personal knowledge that they might have contacted him and attempted to interview him, no. As far as I know, there was no personal contact made with Mr. Bruno until the time of his arrest. He was a very elusive fellow.

Q. Now you say he was very elusive. You knew at all times where he was? A. No. I did not.

(Testimony of Ray M. Andress.)

Q. Didn't you know his address in Monterey?

A. Yes.

Q. Did you ever attempt to contact him there?

A. Yes.

Q. Did you leave word for him?

A. I didn't make the contact personally.

Q. Oh, you didn't? A. No.

Q. Someone else did? A. Yes.

Q. To your knowledge they did? A. Yes.

Q. Or did they report to you that they had?

A. They reported to me they had.

Q. But you weren't present? [241]

A. No.

Q. So that of your own knowledge you don't know if any effort was made, do you?

A. If the agent reported to me that he had made the effort——

Q. Just a minute, Mr. Andress. You are not an inexperienced witness. Will you just answer the question directly. Will you read the question, Mr. Reporter?

(The reporter read the previous question.)

A. Well, I will have to answer it this way: By the contacts made at his home I eventually learned where he was and that resulted in his arrest.

Mr. Campbell: Will you read the question to the witness again? I think you can give me a direct answer, Mr. Andress, if you will, please. It can be answered yes or no.



(Testimony of Ray M. Address.)

(The reporter again read the question.)

A. I would say yes.

Q. You were present? A. No.

Q. So that all that you know in that regard is what was reported to you by others? A. Yes.

Q. Isn't that correct? A. Right.

Q. And to that extent it was hearsay, wasn't it, Mr. Address? A. It would be. [242]

Mr. Sparrow: If your Honor please, that calls for his opinion and conclusion.

The Court: Objection sustained.

Mr. Campbell: That is all.

Mr. Stout: Your Honor, may I have further cross-examination as to matters developed by other attorneys on cross-examination?

The Court: Certainly.

Q. (By Mr. Stout): The conversation that you had with Mr. Boyd on September 6th near Geary on Leavenworth Street, as I recall—that is the one I am directing your attention to at this moment. You said in response to questions asked by Mr. Hagerty that Mr. Boyd said to you to this effect—and I didn't get an exact reproduction of your language, but to this tenor and effect, if you will, Mr. Address, "We"—meaning Boyd and Hagerty—"are going to come to your office on Thursday or Friday to give you the complete story. Hagerty will be available at that time. He asked me to make an appointment with you and we will come over and talk to you. I want you to hear my side of the story." Did that

(Testimony of Ray M. Address.)

just about paraphrase that statement made?

A. Yes.

Q. Let me ask you this: In addition to that statement, Mr. Address, did Mr. Boyd say to you to this effect, "I know that when I tell you my side of the story that it will help [243] me"?

A. No, he did not.

Q. No words to that effect were said?

A. No, he did not.

Q. Nor even close to it in proximity?

A. No.

Q. Was anything said at all in that regard?

A. None whatever.

Mr. Stout: Thank you, sir.

The Court: Is that all?

Mr. Sparrow: That is all, if your Honor please.

The Court: You may be excused.

Mr. Sparrow: The government rests.

Mr. Stout: Your Honor, we have the young lady whose testimony was not completed.

The Court: Is she available, Mr. Sparrow?

Mr. Sparrow: Yes, I believe she is.

Mr. Stout: If the Government is resting, there are several motions that would have to be made. May the matter of the Government resting at this time be set aside so that we may continue the cross-examination of this young lady? [244]

Mr. Campbell: May I be heard briefly? I haven't as yet had an opportunity to fully examine the record before the grand jury and I would like to have that opportunity. However, if the reservation may

remain—in other words, if we used up the balance of the day, I would prefer to defer that right of cross-examination until in the morning, if it is agreeable to the Court.

The Court: How are you going to use up the balance of the day?

Mr. Campbell: Well, if the government is resting subject to the completion of that cross-examination, there are of course certain motions to be made, your Honor.

The Court: Are you prepared to make them now?

Mr. Campbell: Yes, your Honor.

Mr. Hagerty: Your Honor, might I be heard? I overlooked two questions I wanted to ask on cross-examination of Mr. Briley just after the noon recess. I asked Mr. Sparrow that he be held and he has been held. I wonder if we could return him to the stand for that further cross-examination?

The Court: All right. Mr. Briley.

### CHARLES W. BRILEY

called on behalf of the United States; recalled; previously sworn.

#### Cross-Examination

(Resumed)

By Mr. Hagerty:

Q. Mr. Briley, you have been in the [245] courtroom during the hearing of this case and you saw the Witness Constance Bell on the stand, did you not?      A. Yes, I did.

Q. Did you recognize her?      A. I did.

(Testimony of Charles W. Briley.)

Q. You had seen her in the house at Scottsdale, isn't that true?      A. I did.

Q. You had also seen the young lady, the blonde there, Judy Berg, is that not true?      A. I had.

Q. Do you know of your own knowledge how long the witness Constance Bell was in that house?

A. I couldn't say.

Q. Could you form any estimate?

A. No, I don't.

Q. You were back and forth in that house nearly every day, weren't you?

A. Not every day. I would say three or four times maybe in a week.

Q. And you had conversations with these girls?

A. Yes, I did.

Q. Often?

A. But as far as how long they stayed, I don't know how long they were there. [246]

Q. How many times did you see the witness Constance Bell at that house?

A. I just couldn't say.

Q. How long was that house open, do you know?

A. I am not sure of that.

Q. Do you have any idea?

A. It seems to me about a period of two weeks.

Q. About two weeks?      A. Yes.

Q. Do you know of your own knowledge whether this Constance Bell was there all that period of time?      A. No, she wasn't there the whole time.

Q. She was there much less than that period of

(Testimony of Charles W. Briley.)

time, isn't that right?           A. I think so.

Q. And as I said, you talked to both of them personally there at that place?

A. I am not sure whether I talked to both of them personally; I saw them, but I couldn't—I don't remember talking to both of them personally.

Q. Well, we will say you were in the same room with them, weren't you?           A. Yes.

Mr. Hagerty: No further questions.

Mr. Sparrow: May he be excused now? [247]

Mr. Hagerty: Yes.

Mr. Campbell: No objection.

Your Honor, in the interest of time I will withdraw my request for further cross-examination of Mrs. Bell, but I do understand other counsel wish to.

Mr. Stout: I would at this time.

Mr. Campbell: I will terminate my cross-examination of Mrs. Bell.

The Court: Let's get finished with it. Bring her in, Mr. Sparrow.

Mr. Sparrow: It may take about two or three minutes to get her.

The Court: Then it might not be amiss to take a few minutes' recess. We will take a recess for a few minutes.

(Recess.)



CONSTANCE MARIE BELL

recalled on behalf of the United States; previously sworn.

Cross-Examination  
(Resumed)

By Mr. Stout:

Q. Directing your attention to yesterday's direct examination by Mr. Sparrow of you, particularly yesterday morning, in response to a question asked by Mr. Sparrow with reference to what occurred in San Francisco before you went from San Francisco to Phoenix, I believe you answered a question to the effect that you received the sum of \$50 from Mr. Ege with reference to sharing expenses. Do you [248] recall testifying in that manner? A. Yes.

Q. Do you recall now whether that is correct or was it some other amount that was given to you?

A. I am almost positive that that was the correct amount.

Q. I see. Do you recall testifying before the grand jury of this district on May 25, 1955?

A. I recall testifying, yes.

Mr. Stout: Page 11, lines 13 and 14. I will ask you to look at page 11. Does your Honor wish to look at it first?

The Court: No.

Q. (By Mr. Stout): I will ask you to look at page 11, the question asked on line 13, and your answer thereto on line 14.

(Handing transcript to witness.)

(Testimony of Constance Marie Bell.)

Have you read it?      A. Yes.

Mr. Stout: May I read it to the jury, your Honor?

The Court: You may.

Mr. Stout (Reading): "Q. (By Mr. Sparrow): How much money did Eddie give you to meet your expenses?

"A. Well, I guess it was about \$25.00."

Was that your testimony?      A. Yes.

Q. Which answer is correct?

A. I said I guessed. [249]

Q. Which answer is correct? Which amount is correct, \$25 or \$50?

Mr. Sparrow: If your Honor please, I will object to the question as argumentative and the record speaks for itself.

The Court: Let her answer. Do you remember whether it was \$25 or \$50? Do you recall?

A. No, I don't.

Q. (By Mr. Stout): Do you recall testifying on direct examination in response to two questions by Mr. Sparrow that you were present at the time that Eddie Ege called to Scottsdale, Arizona, and had a conversation with somebody at that address?

A. I didn't say he called at Scottsdale.

Q. Phoenix?      A. Yes.

Q. All right. Do you recall so testifying here in court yesterday?      A. Yes.

Q. You likewise recall testifying on cross-examination that Mr. Ege in your presence made a phone call to Phoenix; is that correct?

(Testimony of Constance Marie Bell.)

A. I don't know if I said in my presence or not.

Q. Well, let me ask you this: Having in mind this question of these issues, can you tell me whether you were present at the time that Mr. Ege called to Scottsdale, Arizona, or [250] Phoenix, Arizona, and talked there with Joe Boyd?      A. No.

Q. That is not the fact; you were not present, is that correct?

A. I know that there was a phone call——

Q. No, I didn't ask you that. I asked you only if you were yourself present.

A. I was in the place, but I couldn't hear; I don't know——

Q. You have no knowledge of what was said other than what somebody else might have reported to you; is that correct?      A. Yes.

Q. Isn't it a fact that you know of your own knowledge that Judy Berg called to Phoenix, Arizona, and contacted Joe Boyd?

A. I don't know that, no.

Q. Didn't you so testify before this grand jury on the date that I mentioned to you before?

A. She knew about it, but I don't know if she made the phone call or not.

Q. Didn't you so testify before this grand jury on Wednesday, May 25th, 1955, that it was Judy who had made the phone call to Joe Boyd and had made the arrangements?

A. No, I don't believe I testified to that.

Mr. Stout: All right. Will your Honor indulge me a second? Page 11, the question on line 1 and

(Testimony of Constance Marie Bell.)

answers down to line 9. Will you examine it, please?

Does your Honor wish to look at [251] it?

The Court: No.

The Witness: What part?

Mr. Stout: 1 down to 11.

Mr. Sparrow: If your Honor please, I think lines 1 through 12 would give the complete picture.

Mr. Stout: I have no reason to cut it off. I will adopt the United States Attorney's suggestion.

Have you read it? A. No, I have not.

Q. Excuse me. A. I have finished.

Mr. Stout (Reading): "Q. Now, did Eddie have any discussions with Judy that you recall? How did you happen to go down with Judy?

"A. Well, I was, well, you might call a girl friend of Judy's. We were palling around quite a bit. She was what you would call a—she had no—I mean, she wasn't attached to anybody in particular; she went around with Eddie a lot but I mean, she wasn't attached to him. She told him that she had heard that Phoenix was open—not heard, but that she was going to Phoenix and that she had called and it was O.K., and that——

"Q. Did she say whom she had called down there? [252]

"A. Well, I can't say she did, but I mean it was the same place I went to."

You know, therefore, of your own knowledge, isn't it a fact, that Judy Berg is the one who called to Phoenix?

A. No, I don't know of my own knowledge, and

(Testimony of Constance Marie Bell.)

that doesn't say I know of my own knowledge. I said I guessed; I didn't know. She had the address; I don't know how she got it; I wasn't there when she got it.

Q. Judy got the address?

A. I don't know; she is the one that called the number, not the address. I don't know.

Q. Weren't you present in San Francisco when she made a call to Phoenix?

A. No, I was not present.

Q. Of your own knowledge, you know, however, that she made such a call, do you not, because she told you she made such a call?

Mr. Sparrow: Objected to as asked and answered, your Honor.

The Court: She may answer it again. Overruled.

Q. (By Mr. Stout): Do you have the question in mind? A. She told me she made the call?

Q. Yes.

A. Well, she may have told me she made a call for herself. I didn't say that Eddie made arrangements for her to go. I am [253] talking about myself.

Q. Do you know of your own knowledge that she made the arrangement for herself to go to Phoenix?

A. I didn't know of my own knowledge, no.

Q. She told you so, did she not?

Mr. Sparrow: If your Honor please, I object to the question, first, that it has been asked and answered, and second, that he in unnecessarily badgering the witness.



(Testimony of Constance Marie Bell.)

The Court: Objection sustained on the first ground.

Q. (By Mr. Stout): You testified, both on direct examination yesterday and in response to questions put by me on cross-examination, did you not, that upon your arrival in Phoenix that you made a phone call to Eddie Ege; right? A. Yes.

Q. Now, is that the fact? A. Yes.

Q. Pages 13 and 14, commencing on line 16 down to the bottom of the page. Do you have it in mind, 16 to 25 (handing transcript to witness). Have you read it? A. Yes.

Mr. Stout: With your Honor's permission, I will read it.

The Witness: May I say something? You asked me——

Mr. Stout: May I read it first?

The Court: Let her say what she wishes. What is it?

The Witness: You asked me if I made a call, and I [254] said I did make a call, but I never got nobody. That says—now you can read it.

Mr. Stout (Reading): “Q. How long did you spend there?

“A. Not too long; I made a phone call here.

“Q. From the maid's place? A. Yes.

“Q. Whom did you call?

“A. A friend of mine, a boy friend. I mean he had nothing to do with this racket.

“Q. Did you make any calls to Eddie?

(Testimony of Constance Marie Bell.)

“A. There was a couple made, but they weren’t made from the maid’s house. I don’t know—Judy made a call, but I don’t know who she called. I was in the kitchen. I think she called somebody in San Francisco, but I don’t know who.”

Were those questions asked of you and did you give those responses?

A. I guess I did; they are there.

Q. Is it a fact that you made no phone call to Eddie Ege in San Francisco?

A. I never got him, no; I called the Sarong Club, and there was nobody there.

Q. Did you testify before the grand jury that during the month of October, 1953, you and Constance Marie Bell made a telephone call to Joseph Boyd? [255]

A. I don’t recall.

Q. Pardon?

A. I don’t recall.

Q. You don’t recall so testifying? Isn’t it a fact that you didn’t make any phone call whatsoever to Joe Boyd; that it was Judy Berg who made such a phone call?

A. I didn’t make no call, no.

Q. You made no call. So that if you so testified that was an error; is that correct?

A. Yes, I guess it was.

Q. Do you recall testifying that you went in a car to Mr. Boyd’s establishment in Scottsdale, I guess it is, in a car driven by a colored man and woman?

A. Yes, I did testify to that.

Q. Do you recall testifying before the grand jury that you went in Joe Boyd’s car?

A. I don’t remember; maybe I did.

(Testimony of Constance Marie Bell.)

Q. Let me ask you this: Which is the fact?

Mr. Sparrow: If your Honor please, I think she is entitled to have her grand jury testimony before her.

Mr. Stout: I am not proceeding by way of impeachment; I am proceeding by way of cross-examination, your Honor.

The Court: Show her the testimony.

Mr. Stout: I beg your pardon?

The Court: Show her the testimony. [256]

Mr. Stout: Yes, your Honor. Page 14, line 14 to the top of page 15, line 5—line 14 on page 14 to 5 on page 15.

(Handing transcript to witness.)

With the Court's permission, may I read it to the jury? Commencing at line 14, page 14:

“Q. And who, if anyone, came out to pick you up from the maid's house?”

Mr. Campbell: Pardon me: I can't hear you from this distance. I am sorry.

Mr. Stout (Reading): “Q. And who, if anyone, came out to pick you up from the maid's house?”

“A. Well, Joe came.

“Q. Joe who? Boyd?           A. Yes.

“Q. What was he driving, do you remember?

“A. He had a—I think he had a Cadillac; I am not sure.

“Q. What did he do?

“A. Well, he came and picked us up. I don't know if we went in Judy's car or his. I don't—I

(Testimony of Constance Marie Bell.)

know she didn't drive herself any more. This colored man drove, that and the maid. I think we went in the car with them or Judy left her car for them and they brought theirs out to come back, or they brought out hers to come back. I can't exactly remember what the transaction was. [257]

“Q. So you and Judy went out with Joe Boyd in Joe's Cadillac?

“A. I don't know; I guess it was.”

Were those questions asked of you and did you give those answers?

A. Yes, I guess I did, if they are there.

Q. Can you tell me now of your own recollection which answer is correct?

Mr. Sparrow: If your Honor please, I don't see that there is anything in those answers that is in any way inconsistent with her previous testimony.

The Court: That is a question for the jury to determine. Overruled.

A. I know that, as I said in the testimony before, I don't know exactly what car we went in, but I know that the colored maid—there was a colored maid or somebody was with us. I don't know if it was their car or whose car it was. I was so tired when I got there after driving all that time I don't think it——

Q. (By Mr. Stout): Isn't it a fair statement that even at the time when the grand jury met and you testified before the grand jury on May 25, 1955, that your recollection as to the events in question was obscure and hazy; isn't that the fact?

(Testimony of Constance Marie Bell.)

A. Well, if you think they are, it is your opinion.

Mr. Sparrow: If your Honor please, I will object to the [258] question as characterizing and calling for an opinion and conclusion.

The Court: Was your memory better when you testified before the grand jury than it is today?

A. Well, some things I remember a lot better. Other things come to me—sometimes I step off the stand and things I remember after, but I get so nervous up here I can't possibly remember them sometimes.

Mr. Stout: I hope I am not making you nervous now.

A. I just am nervous anyway; you don't make me nervous.

Q. Do you recall testifying in response to questions by Mr. Sparrow that while you were with Mr. Ege, the defendant Ege, that you were placed in a house of prostitution on the Natoma Street in San Francisco?

Mr. Sparrow: If your Honor please, I will object to that question as incompetent, irrelevant, immaterial, and I don't believe the record will show that any such question was asked.

The Court: There was some reference to Natoma Street, I think.

Mr. Sparrow: Yes, your Honor. I asked her how she became acquainted with the person who ran the premises at Natoma Street and she replied it was through the defendant, Ege. There was no testimony



(Testimony of Constance Marie Bell.)

as to her being placed by Ege in the Natoma Street address.

The Court: Were you ever placed in the Natoma Street [259] premises as a person who was engaged in acts of prostitution or not?      A. No.

The Court: No; her answer is "No."

Mr. Stout: Then I have no further questions at this time, your Honor.

The Court: We will take a recess at this time, ladies and gentlemen, until tomorrow morning at the usual hour, which is 10:00 o'clock. You are of course admonished as it is my duty to admonish you not to discuss the case either among yourselves or with anyone else, and of course not to form or to express any opinion until you have heard all of the evidence, the instructions of the Court, and the case is finally submitted to you.

Tomorrow morning at 10:00 o'clock.

Mr. Sparrow: If your Honor please, may I ask, is this witness to be back at 10:00 o'clock tomorrow morning?

Mr. Campbell: I have no further questions of her.

Mr. Hagerty: I have no further questions of her, your Honor.

Mr. Sparrow: May she be excused?

The Court: You may be excused, Miss Bell.

(Thereupon, an adjournment was taken to tomorrow, Wednesday, September 28, 1955, at 10:00 o'clock a.m.) [260]

September 28, 1955, 10:00 A.M.

(The following proceedings out of the presence of the jury.)

(On behalf of the defendants, and each of them, motions made for judgment of acquittal or in lieu thereof motions to dismiss, and to strike.)

The Court: All right, gentlemen, I am prepared to rule.

With regard to the motions of acquittal which have been made by Mr. Campbell and by Mr. Hagerty, those motions will be submitted until the conclusion of the case.

With regard to the various motions to strike which have been made, obviously in my instructions I am going to tell this jury what conversations and what acts are binding upon each defendant to the exclusion of others, so that I will try to the best of my ability to make it abundantly clear to the jury that certain conversations, for example, Boyd may have had with a variety of people, are not binding upon the other two defendants; that certain activities of Bruno are not binding upon the other defendants; that certain activities of Ege are not binding upon the other defendants.

In other words, I have chosen that method of procedure rather than have the cumbersome and awkward situation of having each lawyer stand up and object and causing the Court to rule: "Now, ladies and gentlemen of the jury, you will [262] understand that this testimony is only being received (as

for example), as against the defendant Bruno." The result after a trial of the character of this is hopeless confusion in the minds of the jury.

I shall attempt to clarify that in my instructions, so that you may generally be apprised at this time that your motions to strike, insofar as I consider them apt and pertinent, will be granted, in certain respects. Obviously I can't tell you that now because I haven't had a chance to review this transcript. However, I will cover that in a general way.

As to Mr. Stout's motion for election, it will be denied. However, I have in mind your motion to strike, Mr. Stout, the testimony of Ellingson, Rathjen, Briley, Thomas Wright, Goldberg, Moe and Andress, and I shall handle those motions in the same fashion that I have indicated that I will handle the others.

Do I make myself clear, gentlemen?

(Affirmative response.)

(Recess taken until 1:30 o'clock p.m.) [263]

Wednesday, September 28, 1955, 2:00 o'Clock

The Court: Proceed.

Mr. Hagerty: Your Honor, after our conference at noon and consideration of the matter with the defendant Boyd we have decided to rest his case.

The Court: All right. The defendant Boyd rests.

Mr. Campbell: If the Court please, the defendant Bruno also would rest.

Mr. Hagerty: If your Honor please, if there is

to be any more testimony, could we have a cautionary instruction to the jury that that would not pertain to the defendant Boyd?

The Court: I don't just understand what you mean.

Mr. Hagerty: The other defendant, I understand, is not going to rest and will proceed; then the evidence will be as to him alone.

The Court: What is the character of the cautionary instruction? You mean to the effect that the mere fact——

Mr. Hagerty: The mere fact that he has rested, that there is no further evidence against him in this case.

The Court: And the same as to the other defendant?

Mr. Campbell: The same as to my defendant.

The Court: The record discloses, by the statement of counsel, ladies and gentlemen of the jury, that the defendant Boyd rests his case. The record likewise discloses that the [264] defendant Bruno rests his case. And I have heretofore indicated to you when you were impaneled, the mere fact that a defendant does not take the stand, either out of his own desire not to do so or because of advice of his counsel, is not to be taken in any way as any admission of guilt as against him. That pertains to both Mr. Boyd and to Mr. Bruno. Is that sufficient, gentlemen?

Mr. Campbell: I think we further had in mind the fact, your Honor, that evidence offered or received from this point forward with respect to the

remaining defendant would not apply to him, should that be considered in the case of either Boyd or Bruno. I presume that will be covered in the instructions.

The Court: I don't think this is the appropriate time to get such an instruction.

Mr. Campbell: Very well.

Mr. Stout: At this time, your Honor, on behalf of the defendant Ege, I should like to waive an opening statement. We will proceed to take the testimony of Mr. Ege. Will you take the stand and be sworn?

EDWARD RAYMOND EGE

a defendant herein, called as a witness in his own behalf; sworn.

The Clerk: Please state your name and occupation to the Court and jury. [265]

A. I am a hundred per cent disabled veteran from the United States armed forces and am also a bartender.

Mr. Sparrow: If your Honor please, I will object to that and ask that be stricken out as not responsive.

Mr. Stout: It is not responsive.

The Court: The fact that you are a disabled veteran is not your occupation. You were asked your occupation.

A. Right; I thought you meant income.

Direct Examination

By Mr. Stout:

Q. Bartender?

A. Bartender.



(Testimony of Edward Raymond Ege.)

Q. Is that correct? A. Yes, sir.

Q. And your name? Let's start from scratch and go through it. A. Edward Raymond Ege.

Q. Where do you live, Mr. Ege?

A. I live at the present time?

Q. Yes.

A. I am staying at Tracy at the Western Hotel.

Q. What is your occupation at the Western Hotel?

A. I am the bartender and room clerk, sir.

Q. By whom are you there employed?

A. By William Giff.

Q. That is G-i-f-f, is it? A. Right. [266]

Q. How long have you been employed there?

A. I have been employed there since some time in the latter part of July.

Q. That is July of this year; is that correct?

A. Yes.

Q. Mr. Ege, you have been accused in an indictment of having done two crimes. The first is that on or about October 17, 1953, in San Francisco that you knowingly transported in interstate commerce one Constance Marie Bell from this city to Scottsdale, Arizona, for the purposes of prostitution. That brings us to this question: Do you know Constance Marie Bell?

A. Do I know Constance Marie Bell?

Q. Yes. A. Yes, I do.

Q. Did you meet her in the year 1953?

A. Yes, I did.

(Testimony of Edward Raymond Ege.)

Q. And under what circumstances did you meet her? About what time was it and where did it take place?

A. I met Constance Marie Bell at approximately 5:30 in the evening at 395 Monterey Boulevard in San Francisco.

Q. Who brought her there?

A. A girl named Rosalind.

Q. Had you ever seen her before?

A. Constance Marie Bell? [267]

Q. Yes.

A. No, sir, I had never seen her before.

Q. Was she introduced to you under that name?

A. No, sir.

Q. Now, the name Judy has been mentioned. Did you know a Judy?

A. Yes, I was with Judy that afternoon.

Q. And as you sit there now, refreshing your recollection as to the beginning of these events, did you know Judy's last name as of the date of this alleged offense?

A. I did not.

Q. Under what name was the girl Constance Marie Bell introduced to you?

A. Cindy.

Q. Any last name given?

A. I don't know whether it was at that time or not.

Q. Subsequently?

A. Cindy Marlow was the name that I come to know her as.

Q. Did she stay with you at 395 Monterey Boulevard for approximately one week after you met her?

(Testimony of Edward Raymond Ege.)

A. Not right at that time. A few days later she came to 395 Monterey Boulevard.

Q. What did she say in that regard about her coming to 395 Monterey Boulevard?

A. She said that she was living in town and some gentleman [268] there was paying her keep in the Columbia Hotel and she didn't like the circumstances and she wanted to get away and I said, "Well, why don't you come and stay out here?"

Q. And that is what she did?

A. That's what she did, sir.

Q. You heard her testify about her going to Folsom. Are you familiar with the premises that she testified about in Folsom? A. Yes, I am.

Q. In what way?

A. I own the property there.

Q. How long have you owned that property?

A. I bought the property in 1949.

Q. What kind of property is it?

A. It is an eleven room frame house.

Q. Old house? A. Yes, it is quite old.

Q. What was the condition of the property back in October and September, 1953, prior to your meeting Constance Marie Bell? Was it in use?

A. It was not in use.

Q. Subsequently was that property put to use? Did you do anything with the property?

A. Yes, I let a girl take it over named Barbara Reynolds.

Q. Barbara Reynolds? [269]

A. Right.

(Testimony of Edward Raymond Ege.)

Q. And did you receive rent from Barbara Reynolds for the use of that property?

A. No, I did not.

Q. From time to time did you go to Folsom to look at your property?

A. I went up there to do some repair work and fixing up at the place.

Q. Do you own that property with any other person?

A. Yes.

Q. Who?

A. Frank Alvernaz.

Q. Will you spell that last name?

A. A-l-v-e-r-n-a-z.

Q. Where does he live?

A. He lives in Sacramento.

Q. Is he a friend of yours for many years?

A. Him and I when I got out of the Veteran's Hospital, after that I went to work in his place as a bartender on a working commission of a 50 per cent basis.

Q. You have known him since that time?

A. Yes, sir.

Q. When did that event occur, the first time that you knew him?

A. Some time in '49; I don't recall exactly. It is when I [270] got discharged from the hospital.

Q. Mr. Ege, you are likewise accused of conspiring to transport Constance Marie Bell in interstate commerce for the purposes of prostitution with Joseph Boyd. Do you know Joseph Boyd?

A. Yes, I know Joseph Boyd.

(Testimony of Edward Raymond Ege.)

Q. Did you know Joseph Boyd prior to September or October, 1953?

A. The exact date was brought out in this court. I knew him very vaguely, met him a few times and I took over his property where he was living and rented his house, took the lease on his house at 395 Monterey Boulevard.

Q. Where was it that you first met him?

A. I met Joe Boyd, as close as I can remember, in the Sarong Club.

Q. What were you doing there?

A. At that time I was—I hadn't come down here then. I think maybe I was just in there having a drink when I first met him.

Q. Subsequently you were buying an interest in the Sarong Club?

A. That is what my intentions was.

Q. You likewise paid over some money as part of this payment, is that correct?

A. I made a start to buy in the place.

Q. You didn't get very far? [271]

A. No, I went busted.

Q. Other than that very brief acquaintance with Mr. Boyd, do you know him under any other circumstances?

A. I know Joseph Boyd under no other circumstances.

Q. So far as the defendant Joseph Victor Bruno is concerned, do you know Joseph Victor Bruno?

A. Only in this courtroom.

Q. Am I correct, then, by that answer that you



(Testimony of Edward Raymond Ege.)

mean that you had never seen Joseph Victor Bruno until you were brought into this courtroom in the course of these proceedings?

A. I have never saw Joseph Victor Bruno in my life before I saw him in this courtroom.

Q. All right. Now, let's just cover the other side of it. You had never seen him; had you ever talked to him?

A. I have never saw him or never talked to him.

Q. Now, in going back to the first count in the indictment, the Mann Act charge, where you were supposed to have assisted in the transportation of Constance Marie Bell from San Francisco to Scottsdale, Arizona; in that regard, how long, if you know, was the girl Constance Marie Bell in Folsom?

A. I am not positive; I believe that it was less than a week.

Q. Who took her there, do you know?

A. To the best of my knowledge, Judy took her there.

Q. Do you know that of your own knowledge?

A. Of my own knowledge, no. [272]

Q. You have heard it from other people?

A. Yes.

Q. After the Folsom episode, did Constance Marie Bell, known to you then as Cindy Marlow, return to your establishment at 395 Monterey?

A. Yes, she did.

Q. How long was she there on this occasion?

A. I believe about a day or so; not longer.

Q. Not longer?                      A. No, sir.

(Testimony of Edward Raymond Ege.)

Q. Do you know where she went, of your own knowledge, after she left?

A. Do I know where she went?

Q. Yes, of your own knowledge.

A. Of my own knowledge, I—well, now, I don't know just how to answer this question. I will say this: that I found out through speaking with Judy that she was staying at Judy's mother's home with Judy.

Q. This is after she left your house?

A. After she left my house, yes, sir.

Q. Did you know at the time that she left your house that it was her intention or Judy's intention to go to Scottsdale, Arizona?

A. I had no knowledge whatsoever of where those girls went to. [273]

Q. When was it that you learned for the first time that Judy and Constance Marie Bell, known to you as Cindy Marlow, had gone to Scottsdale, Arizona, or to Phoenix?

A. From Constance Marie Bell in Fresno.

Q. After her return from that state, is that correct?

A. Correct.

Q. The indictment charges you with the commission of certain overt acts pursuant to this conspiracy that is charged in the indictment. The first overt act—I will read it to you, and this is with the aid and assistance of the bill of particulars that was supplied to us by the government:

“In June 15, 1953, defendants Joseph Boyd, alias

(Testimony of Edward Raymond Ege.)

Joe Boyd, and Edward Raymond Ege, went to 2545 Noriega Street, San Francisco, California.”

A. In October——

Mr. Sparrow: I will object to the question as not being a fair representation of what the bill of particulars says. He says in June 15, 1955. That is not what it said.

Mr. Stout: Well, on or about June 15. With that characterization, would that suffice, Mr. Sparrow?

Excuse me; I don't mean to be unfair.

The Court: Read it again in the exact language of the indictment.

Mr. Stout: The indictment says in June, 1953, and I have inserted the date the 15th as given to us by the bill of [274] particulars; that is all I did. I can get the bill of particulars.

The Court: That's all right. I think with your amendment to include “on or about,” that will be sufficient.

Mr. Stout: Suppose, then, as I go through these I add that to each one of these questions?

The Court: Very well.

Q. (By Mr. Stout): Did you go with Joseph Boyd to see the witness who testified on behalf of the government whose name is G-i-o-n-i—Gioni—pursuant to any conspiracy which you had with Joe Boyd to take Constance Marie Bell from Scottsdale, Arizona, for the purpose of prostitution?

Mr. Sparrow: I will object to the question as calling for the opinion and conclusion of the witness, if your Honor please.

(Testimony of Edward Raymond Ege.)

The Court: That was the first portion of your question? "Did you go?" Did I understand you to say?

Mr. Stout: Did you go, yes, or did you meet. I said, Did you go to that address with Joseph Boyd pursuant to and in furtherance of the objects of the conspiracy?

The Court: The objection will be overruled.

Q. (By Mr. Stout): Do you have the question in mind?

A. You asked me if I went to this address on Noriega?

Q. Noriega. To conspire with—pursuant to any conspiracy that existed between you and Joe Boyd.

A. No, I did not. [275]

Q. Have you under any circumstances directly or indirectly ever conspired with Joseph Boyd, alias Joe Boyd, one of your co-defendants, either as charged in this indictment or at any other time conspired with him for the purpose of moving Constance Marie Bell or any other girl from one state to another for the purposes of prostitution?

A. I have not.

Q. In overt act No. 2 it is stated approximately as follows:

"On or about September 15, 1953, defendant Edward Raymond Ege took one Constance Marie Bell from the Sarong Club, 875 Geary Street, City and County of San Francisco, to 395 Monterey Boulevard in San Francisco, pursuant to the ob-

(Testimony of Edward Raymond Ege.)

jects of this conspiracy between yourself and Joseph Boyd and Joseph Victor Bruno.”

Is that a fact or is that not a fact?

A. That is not a fact.

Q. The third overt act in this conspiracy indictment charges you with having had a conversation with Constance Marie Bell on or about September 15, 1953, pursuant to the objects of this conspiracy to transport——

Mr. Sparrow: If your Honor please; that is not a fair characterization of the third overt act, and I will object on that ground.

The Court: Perhaps you can state it a little better, Mr. [276] Stout.

Mr. Stout: All right, your Honor; I shall endeavor to do so.

Q. The third overt act reads approximately as follows:

“On or about September 15, 1953, at 395 Monterey Boulevard, San Francisco, you, the defendant, Edward Raymond Ege, had a conversation with Constance Marie Bell.”

Did you have a conversation with the young lady on that date?

A. Well, I would put it this way: On that day there was present Rosalind and Constance Marie Bell and Judy and we were all drinking, and I think there were some other people there also, and it was kind of a party, and any conversation that had to do with prostitution, I don't recall it at the present time.



(Testimony of Edward Raymond Ege.)

Q. It is alleged in the fourth overt act, and I will read it, approximately as follows:

“That on or about October 13, 1953, defendant Edward Raymond Ege drove an automobile from Folsom, California, to 395 Monterey Boulevard, San Francisco.”

I will ask you, did you drive your car from Folsom to San Francisco pursuant to any conspiracy between yourself, Joseph Victor Bruno and Joseph Boyd to transport Constance Marie Bell for the purposes of prostitution from San Francisco to Scottsdale, Arizona?      A. I did not. [277]

Q. The fifth count, or fifth overt act of the indictment states approximately as follows:

“On or about October 20, 1953, at 395 Monterey Boulevard, San Francisco, that you, Ege, gave the telephone number in Arizona of defendant Joseph Boyd to Constance Marie Bell.”

Did such an event ever occur?

A. It did not.

Q. Did you at that time or do you have now any recollection of any phone number that Joseph Boyd had given you or that you had obtained in any other manner relative to Scottsdale, Arizona, or Phoenix, Arizona, or any part of Arizona?

A. I never knew Joe Boyd was in Arizona.

Q. Your answer, then, is “No,” to my question?

A. No.

Q. The sixth overt act is something that you apparently would have no knowledge of. The seventh is one of those likewise.

(Testimony of Edward Raymond Ege.)

The eighth overt act is approximately as follows:

“On or about October 25th, Constance Marie Bell in the State of Arizona had a telephone conversation with you in San Francisco.”

Did such an event ever take place?

A. Would you repeat the question again, please?

Q. Yes. Let me paraphrase it. On or about October 25, 1953, [278] —let’s make it from October 1st to November 1st—did you have a telephone conversation with Constance Marie Bell while she was in Arizona?

A. No, sir, I did not.

Q. It is stated in the tenth overt act approximately as follows:

“That on or about November 5th or November 10th in the City and County of San Francisco that you took the sum of approximately \$700 from Constance Marie Bell.”

Did anything like that happen?

A. No, I never did, no.

Q. Do you recall her testimony that this event occurred not in San Francisco but in Fresno and that she gave you three to four hundred dollars, so I will ask you this question:

From the beginning of your relationship to the end of your relationship with Constance Marie Bell—that is, from approximately September 15, 1953, until the end of that relationship—did you in the City of Fresno ever take any sum of money from Constance Marie Bell?

A. I never took any sum of money from Constance Marie Bell.

(Testimony of Edward Raymond Ege.)

Q. The eleventh overt act of the conspiracy indictment reads approximately as follows:

“That on or about November 10th, 1953, you drove Constance Marie Bell from San Francisco to [279] the County of Yolo in California.”

Do you know where Yolo County is?

A. Yes, I do.

Q. From September 15, 1953, through, say December 1st, 1953, on any occasion did you drive her to Yolo County?

A. To my best recollection, I never drove Constance Marie Bell to Yolo County.

Q. Have you ever taken her on any trips with you?

A. I have never taken Constance Marie—well, I take that back; I took her to San Rafael on several occasions, is the only trip I ever took Constance Marie Bell any place.

Q. Now, let's see; it is stated in the twelfth overt act of the indictment approximately as follows:

“That on or about December 7, 1953, you drove Constance Marie Bell from San Francisco to Barstow, California.”

Did such an event ever transpire?

A. It did not.

Q. It is alleged in the thirteenth overt act of the indictment, with reference to the conspiracy count, that on or about December 20th, 1953, you took the sum of approximately \$900 from Constance Marie

(Testimony of Edward Raymond Ege.)

Bell in Barstow, California. Did such an event ever take place?      A. No, it did not.

Q. Miss Bell testified that this sum was approximately 100 [280] to 200 dollars. Did you give her that sum or any sum—or take from her—excuse me—that sum or any sum?

A. No, I did not.

Q. It is stated approximately as follows in overt act No. 14:

“That on or about December 22, 1953, you drove her, Miss Bell, from Barstow to Las Vegas.”

Did such an event take place?

A. I never drove Constance Marie Bell to Las Vegas from Barstow, or any other place, for that matter.

Q. Other than San Rafael?      A. Correct.

Q. So far as you know of your own knowledge, do you know whether or not Constance Marie Bell was ever in the city of Las Vegas, Nevada?

A. If she was in—ever in Las Vegas, I never knew anything about it. She was there by herself if she was there. I don't have any knowledge at all of her ever being there or knowing that she was there.

Q. I will ask you this question—I am using a colloquialism that I think is understandable to everyone here: Did you ever turn Constance Marie Bell or Cindy Marlow out to ply her profession as a professional prostitute?

A. Just what do you mean by “turn her out”?

Q. Did you provide her with a place to ply her trade as a [281] professional prostitute?

(Testimony of Edward Raymond Ege.)

A. No, I didn't.

Q. Under any circumstances?

A. Under no circumstances.

Mr. Stout: I have no further questions.

Mr. Campbell: I have rested.

Mr. Hagerty: The defendant Boyd has rested, too, your Honor.

The Court: The record sufficiently discloses that the defendant Boyd and the defendant Bruno have rested.

### Cross-Examination

By Mr. Sparrow:

Q. Are you married, Mr. Ege?

A. Yes, I am.

Q. Is that the correct pronunciation of your name, Ege?      A. Yes, it is.

Q. And when were you married, Mr. Ege.

A. I was married in 1946, July—sometime in July.

Q. And where was that?

A. In Reno, Nevada, sir.

Q. To whom were you married?

A. Gloria Jean Ege.

Q. Gloria Jean Ege. What was her maiden name?

A. That was her maiden name—oh, Fowler.

Q. Gloria Jean Fowler?      A. Correct. [282]

Q. Do you recall who was with you on the occasion of your marriage?



(Testimony of Edward Raymond Ege.)

A. Who was with me at the occasion of my marriage?

Mr. Sparrow: Besides your wife.

Mr. Stout: Excuse me. May I present an objection that this is incompetent, irrelevant and immaterial?

The Court: Overruled.

The Witness: Will you repeat the question again?

Mr. Stout: Do you recall who was with you besides your wife at the time you were married, if anyone? A. Yes.

Q. Who was that?

A. It was Nick Corritas and a girl named Toni.

Q. I beg pardon?

A. A girl named Toni and Nick Corritas.

Q. How do you spell Corritas?

A. I don't know how you spell Corritas.

Q. Did they act as your witnesses?

A. They stood up as best men, yes, sir.

Q. What is the girl Toni's last name?

A. I don't know Toni's last name.

Q. What was the date of your marriage in 1946 in Reno?

A. I don't know; I think it was the 23rd.

Q. 23rd of what?

A. 23rd of July or June—June or July. She has a birthday; [283] it was in June or July.

Q. Are you still married? A. Yes, sir.

Q. Your wife has also been known under the name of Ginger, has she not? A. That's right.

(Testimony of Edward Raymond Ege.)

Q. She has also been known under the name of Penny O'Brien, has she not?

Mr. Stout: This is objected to on the ground that it is incompetent, irrelevant and immaterial; the names under which his wife is known are not binding upon him.

The Court: The objection will be overruled.

A. If she was ever known under the name of Penny O'Brien, I have no knowledge of it.

Q. (By Mr. Sparrow): Mr. Ege, were you employed at that time in 1946 in June or July?

A. Yes, I believe I was; I was tending bar in Sacramento; I am not sure.

Q. Do you remember where?

A. Oh, I work at Tiny's and the Sacramento Hotel.

Q. About how long did you work at Tiny's?

A. I can't recall just how long I worked there, sir.

Q. A matter of a year or two years?

A. Oh, no, I didn't stay employed that long. I was just employed there a short time and then I ran a card room which [284] was next door to the Buffalo Club at 19th and S in Sacramento.

Q. How long did you do that?

A. I was approximately running the card room for six or seven months.

Q. What did you do thereafter?

A. I don't recall; I tended bar.

Q. Whereabouts?

A. Oh, now, let's see; I was stricken ill and told

(Testimony of Edward Raymond Ege.)

not to work, I believe, but I still went ahead and made a dollar where I could make it at that time.

Q. Where did you make it?

A. Well, playing cards and tending bar sometimes at the Buffalo Club or any place where people needed a bartender.

Q. This was in Sacramento, was it?

A. Yes, sir.

Q. How long did that situation last?

A. I beg your pardon?

Q. How long did that situation last?

A. Until I was admitted to the hospital in Livermore?

Q. When was that?

A. That was the latter part of '46 or the first part of '47; the dates I don't remember exactly.

Q. How long were you there?

A. I was in the hospital two years.

Q. Thereafter what did you do? [285]

A. When I got out of the hospital, I went to Sacramento and took a working interest in a bar called the Double Play on the River Road as a bartender and manager of the establishment.

Q. How long did you stay there?

A. I was there a little over a year. [286]

Q. And that brings us up to about when, to the best of your recollection?

A. I don't know. You're keeping track of the dates. I don't recall. Let's see, if I got out of the hospital in 1949, sometime in '49, it would bring me into possibly 1950, going into '51.

(Testimony of Edward Raymond Ege.)

Q. And then what did you do?

A. Well, I think for awhile I scuffled around, I played cards and drewed my disability.

Q. How else other than playing cards did you make a living?

A. Well, like I said before, I tended bar, I drewed my disability, and anything I could make a dollar at I did.

Q. Did you drive a car at that time, Mr. Ege?

A. Yes, I did.

Q. What kind of a car?

A. I had a 1950 Cadillac.

Q. What type of Cadillac was it, coupe, sedan?

A. Just a coupe.

Q. Was your wife employed at any time between 1946 and 1950?

A. My wife—

Mr. Stout: Objected to—just a moment—objected to on the grounds it is incompetent, irrelevant and immaterial.

The Court: Overruled.

A. My wife was in the Weimar Sanitarium at Weimar, California, and also at the sanitarium at Murphys, California, for [287] tuberculosis for four years in that period—the years I couldn't tell you which one exactly that they are.

Q. (By Mr. Sparrow): About 1946 to 1950, is that right?

A. Yes, that's correct. In fact, she was out for a while and then back in. It might even be into '51, before she ever got out of the hospital, sir.

(Testimony of Edward Raymond Ege.)

Q. Well, now, what did you do after this period of time during which you played cards and made a dollar any way you could? How long did that situation last?

A. Well, through whatever period of time that I worked, which I think I have a record on social security, of when I worked.

Q. Where were you living during that time?

A. In Sacramento at 19 and S.

Q. And thereafter what did you do?

A. Thereafter? You mean when I came to San Francisco?

Q. Did you come to San Francisco from Sacramento? A. Yes.

Q. When was that?

A. Well, it was whenever the dates were, just shortly prior to—it might have been 30 days before I took Joseph Bruno's—Joe Boyd's home on 395 Monterey Boulevard.

Q. Well then, you were in Sacramento between 1950, about a year following the time you got out of the hospital, and 1953, about June, is that correct—or May, let's say, '53? You [288] spent that time in Sacramento, is that correct?

A. Yes, sir.

Q. And what were you doing during that time in Sacramento?

A. The same thing that I said I was doing before.

Q. Namely, what?

A. I said tending bar and playing cards.



(Testimony of Edward Raymond Ege.)

Q. Where did you stay when you first came to San Francisco about May, 1953?

A. I stayed in the Don Hotel.

Q. Did you have a room by yourself there?

Mr. Stout: That is objected to as incompetent, irrelevant and immaterial.

The Court: Overruled.

A. Yes, I did. I had a room there by myself.

Q. (By Mr. Sparrow): And you testified, did you not, that you met Joseph Boyd at the Sarong Club about then, or shortly thereafter, is that correct? A. Yes, sir.

Q. And you never met——

A. I may have met him in the Sarong Club prior to my coming to San Francisco to go there as a—to buy an interest in the place and to go to work there.

Q. You were in——

A. We might have been a couple of acquaintances, at any time that I ever met Joe Boyd, because I knew him very vaguely, sir. [289]

Q. You were in the Sarong Club, then, before you moved down from Sacramento, is that right?

A. I was in it before I moved from Sacramento?

Q. Yes.

A. No, sir, when I came down to go to work, I brought clothes with me and I checked into the Don Hotel.

Q. And the first time you had ever been in the Sarong Club then was after you had come to San Francisco, is that right?

A. No, I had been in the Sarong Club prior to

(Testimony of Edward Raymond Ege.)

that. That's how I got knowledge of the fact that place was—a half interest of it—was for sale, and I got a deal to buy it.

Q. How much did you pay for that half interest?

A. I was to pay \$10,000 but I couldn't fulfill my part of the contract. I gave a thousand dollars. I was going to sell my car, and the sale of it, and after I went to work in the place and I didn't exactly like the situation and I tried to—I was trying to get out of the deal.

Q. Well, did you or did you not become an owner of a part interest in that place?

A. No, I didn't. I only give the man the money. I worked there as an employee until I could pay my part of what I had made, the contract to do.

Q. Now, do you recall the circumstances under which you met Mr. Boyd in the Sarong Club?

A. Just the fact that I guess I was drinking there and [290] talking with Mr. Lindsay and he introduced me to Mr. Boyd.

Q. And who is Mr. Lindsay?

A. He is the owner of the Sarong Club.

Q. Was he the one with whom you were to go into partnership?

A. Yes, sir.

Q. Can you recall what was said in connection with the meeting, how did Mr. Lindsay happen to introduce you to Mr. Boyd?

A. Well, it's like in any bar, somebody knows this gentleman over here, and he says, "I would like you to meet this fellow here," and that's kind of an

(Testimony of Edward Raymond Ege.)

operation of bar owners to get people together to spend money. Isn't that right?

Q. Well, didn't you and Boyd have a conversation in connection with that meeting?

A. No, no conversation. I probably just—drink-talk like happens at any bar.

Q. Did you see him thereafter, after that first meeting in the Sarong Club?

A. He came in the Sarong Club a couple of times while I was working there.

Q. And you had some discussions with him then, did you?

A. He asked me if I needed a place to live and that he had a place which he was going to vacate and/or if I would like to buy some pieces of furniture, or something like that, that he was selling his furniture at the place. [291]

Q. And what did you say?

A. I told him no, that I wasn't interested at that time.

Q. Did you thereafter have any further discussions with him on that subject?

A. No. Somebody told me I should go out and look at his apartment that he had there because it was a nice place, and so I did go out and look at it, and it was a nice place, and so I took over his lease there.

Q. Did you have any discussions with him before doing that?

A. No, I didn't. In fact, I called to his house to see if he was there so that I wouldn't make a trip out there for nothing.

(Testimony of Edward Raymond Ege.)

Q. Did you reach him? A. Yes, sir.

Q. And what did you discuss then?

A. At the house?

Q. On the telephone.

A. What did we discuss on the telephone?

Q. Yes.

A. Oh, nothing. I discussed—asked him if he would be in in the next hour, that I would come out and take a look at the place.

Q. And then did you go out, did you?

A. Yes, sir, I did.

Q. Did you have a discussion with him then relative to [292] taking over the place?

A. Yes, I did.

Q. And what was the substance of that?

A. Well, how much the rent was and——

Q. How much was it?

A. \$125 a month, sir.

Q. And what else did you discuss?

A. There was no other discussion.

Q. Did you ask who the landlord was?

A. The gentleman who testified here, Mr. Giomi. Is that his name?

Q. Did you ask Mr. Boyd who the landlord was?

A. No, I don't believe I did. I think in the course of conversation he told me that the people that owned the place at Jean's Market.

Q. And what transpired after this conversation that you had with Mr. Boyd out at 395 Monterey?

(Testimony of Edward Raymond Ege.)

What did you do then with reference to getting the lease?

A. Well, we went over to Jean's Market and we talked to this fellow and Joe asked him if it was all right if I took over the lease, and he said it was fine with him, and he told him I was in the Sarong Club at 875 Geary Street, and he said, well, it was O.K. with him if I went ahead and took over his lease.

Q. So you and Boyd went to Jean's Market at Noriega Street [293] and had a discussion with Mr. Giomi, is that right?

A. If the place was on Noriega Street, that's where we went to, Jean's Market.

Q. Now, Mr. Ege, you state, do you not, that you never saw Mr. Bruno before these proceedings commenced, is that correct?

A. That is correct, sir.

Q. Did you ever talk with him?

A. I never had any discussion or ever met or ever knowed Mr. Bruno at any time prior to this court session that we are here right now.

Q. Never talked over the telephone with him?

A. I never had a conversation on the telephone.

Q. While you were at 395 Monterey Boulevard did you have occasion to make a telephone call to the city of Delano?

A. No, sir.

Q. You never did?

A. I never had any occasion to call Delano, no.

Q. Would you say that a call was made from 395 Monterey Boulevard to Delano?



(Testimony of Edward Raymond Ege.)

Mr. Stout: Just a minute. That expects an answer on matters over which he would have no control, calls for his opinion and conclusion.

The Court: Objection sustained.

Q. (By Mr. Sparrow): Mr. Ege, did anyone else have the lease at 395 Monterey Boulevard besides yourself? [294] A. No.

Q. And who lived out there during the time—First of all, let me ask you, about when was it when you moved into 395 Monterey Boulevard?

A. Well, whatever the date was when the transfer took place.

Q. What do you recall?

A. It was sometime in June, I imagine.

Q. 19—— A. I don't remember exactly.

Q. 1953? A. Sir?

Q. 1953? A. Yes, it was in 1953.

Q. And how long did you stay there?

A. I stayed there until the termination of the lease and the people bought the place, and then I left.

Q. And when was that ?

A. You got me there. I think it was sometime in January.

Q. In what year? A. 1954.

Q. Now, who else lived with you out there at 395 Monterey Boulevard, if anyone?

A. Well, my wife.

Q. That's Gloria. Anyone else?

A. I had Constance Marie Bell—stayed there for a short [295] time. Judy stayed there some time.

(Testimony of Edward Raymond Ege.)

Other kids stayed there, a lot of kids stayed there. It was a big house.

Q. How many bedrooms did you have there?

A. Two bedrooms. We had a big couch.

Q. When you say "a lot of kids" stayed there, you mean a lot of girls stayed there, isn't that right?

A. I don't say a lot of girls. A lot of times fellows stayed there, too.

Q. Who stayed there?

A. Well, I can't recall the names right off.

Q. Did you pay the bills that were incurred in connection with your residence there in the house, such as electric light, telephone, gas, that sort of thing?

A. Yes, I did.

Q. So that——

A. Well, there was some times when people would make a phone call, or something like that, and they would give me the money for the phone call that they made.

Q. And when the telephone bill came in at the end of the month, I take it if it was a toll charge, there was a toll slip in there indicating the place to which the call was made, is that correct?

A. Correct.

Q. Now, do you recall in connection with paying the telephone bills and reviewing the toll calls at the end of the month, [296] in connection with paying the bills there, there were any calls placed either by you or anyone else from your telephone to the city of Delano?

(Testimony of Edward Raymond Ege.)

Mr. Stout: That is objected to on the ground incompetent, irrelevant and immaterial, not binding.

The Court: Overruled.

A. Repeat the question.

(Question read back by reporter.)

A. There could have been. I don't remember.

Q. (By Mr. Sparrow): By the way, what was your telephone number at 395 Monterey Boulevard?

A. It was Juniper 5-8777.

Q. Now, as a matter of fact, there were a number of long distance telephone calls placed to various parts of the state of California, and outside the state of California from that telephone on which toll charges were incurred by you, isn't that so?

Mr. Stout. Objected to as incompetent, irrelevant and immaterial, and possibly acts over which Mr. Ege had no control.

The Court: Overruled.

A. There could have been.

Q. (By Mr. Sparrow): As a matter of fact, on several occasions there were collect calls to that telephone number by a person giving the name of Cindy Martin, was there not? [297]

A. There was collect calls to that telephone number by Cindy Martin?

Q. By someone giving the name Cindy Martin.

A. To my knowledge, I don't think so.

Q. Or Cindy Marlow?

(Testimony of Edward Raymond Ege.)

A. I understood you. I said, "To my knowledge, I don't believe so." It could have happened.

Q. Now, do you know any people in Delano, Mr. Ege? A. Do I know any people in Delano?

Q. Yes. A. No, I don't.

Q. Do you know anybody named Betty in Delano? A. Betty?

Q. Betty.

A. No, I do not know a Betty in Delano.

Q. As a matter of fact, on November 27, 1953, there was a collect call to you from Betty at Delano giving the telephone number 9938, isn't that a fact?

A. No, sir, not to my knowledge.

Q. Would you say there wasn't such a call?

A. There could have been such a call. It wasn't for me.

Q. If it wasn't to you, would it be to your wife?

Mr. Stout: Objected to as calling for speculation, conjecture.

The Court: Sustained.

Mr. Sparrow: Do you know whether or not your wife knows anyone in Delano? A. Sir?

Q. Do you know whether or not your wife knows anyone in Delano?

A. My wife could know people in Delano.

Q. Beg your pardon?

A. My wife could know people in Delano. I don't know if she does.

Q. Do you know of your own knowledge whether she does know people in Delano? [299]

A. To my knowledge, I don't.

(Testimony of Edward Raymond Ege.)

Q. When was the last time that you saw Joseph Boyd in 1953 following your taking over his lease?

A. When I took over the lease.

Q. In other words, after you had seen Mr. Giomi, did you see Mr. Boyd again?

A. I don't believe so.

Q. And did you see him at any time during the rest of 1953 that you recall?

A. Yes. I saw Joe Boyd, but I can't recall the month, back here in San Francisco in the Sarong Club.

Q. In 1953? A. Correct, sir.

Q. Did you have a discussion with him at that time?

A. No, I don't think we had much of a discussion of any kind. Just, How are you, and that was all.

Q. When was the next time that you saw him?

A. I believe the next time I saw him was on July the 9th.

Q. 1954? A. 1955.

Q. 1955? A. Correct.

Q. Have you talked with Mr. Boyd at any time between the time you saw him some time in '53 in the Sarong Club following your taking over the lease at 395 Monterey and July 9, 1955? [300]

A. Had I talked with him?

Q. Yes. A. No, sir.

Q. Telephone or face to face, neither one, is that right? A. Neither.



(Testimony of Edward Raymond Ege.)

Q. And what was the occasion of your meeting with him on July 9th of this year?

A. He was at the bail bonds office when I arrived there or got released from the custody of the Marshal's Office.

Q. Did you have a discussion with him at that time?        A. Yes, I did.

Q. And what did you talk about?

A. Well, he——

Mr. Stout: Excuse me. May I interject again? This would be incompetent, irrelevant and immaterial, not part of the issues of this case.

The Court: Overruled.

A. What the discussion was exactly about, he was telling me about this case.

Q. (By Mr. Sparrow): What did he say?

A. I don't recall the conversation.

Q. Then what did you say?

A. I just told him, "Joe, I'm not guilty of this crime I'm charged with," and that's all I said to anybody.

Q. Now, did you see Mr. Boyd at any time thereafter between [301] that meeting and the present time?

Mr. Stout: May the record indicate the continuous objection to this line of testimony?

The Court: The record will show.

Mr. Stout: Thank you, your Honor.

A. Yes, I saw Joe once in the Sarong Club and just had a drink with him.

Q. (By Mr. Sparrow): And, as a matter of

(Testimony of Edward Raymond Ege.)

fact, you talked about this case with him, didn't you?

A. I did not discuss the case at that time with him.

Q. When did you discuss it with him? If at all?

A. I haven't discussed this case with him at all.

Q. You have never discussed the case with him, is that correct?

A. No, I have not—or with anybody.

Q. As a matter of fact, you said to Mr. Boyd, words to the effect that you would appreciate it if he would say nothing about the telephone conversations that you and he had when he was in Scottsdale, Arizona, in the Fall of 1953 and you were in San Francisco, isn't that a fact?

A. You are very mistaken. I never made a statement like that to Mr. Boyd.

Q. You testified that your relationship with Constance Marie Bell ended. When was it that it ended?

A. When did my relationship end with [302] her?

Q. Yes.

A. Well, I guess she was in and out, around, she would be there at the house. I think she was there at the house a couple of times and stayed there maybe, possibly all total not more than three weeks at any time, and I don't think it was more than two weeks, but I'll stretch the point.

Q. She was there on more than one occasion, is that right?

A. Yes.

(Testimony of Edward Raymond Ege.)

Q. When was it that this relationship ended?

A. What do you mean, when did it end?

Q. Well, you used the words in response to a question by Mr. Stout that your relationship with Constance ended. I just want to know when it ended?

A. Well, I never saw her any more. I think I saw her once in January, and I think that's the last time I saw her.

Q. January, 1954?                      A. 1954, yes, sir.

Q. And where was it that you saw her?

A. She called me at the house and come out.

Q. Where was that?

A. At 395 Monterey Boulevard.

Q. And how long did she stay on that occasion?

A. Oh, she just come out and talked, seem to be lonesome.

Q. How long did she stay? [303]

A. How long did she stay? I didn't watch the clock, but I'll say that she wasn't there very long.

Q. Overnight?

A. No, sir, just—in the afternoon. It could have been an hour, and it could have been an hour and a half. It might even be two hours.

Q. Now, you said you never took Constance Marie Bell anywhere in an automobile except maybe to San Rafael. What was the occasion of your taking her to San Rafael?

A. She had a soldier boy friend in San Rafael who she liked to go see, and I sometimes took her over there as a favor, to Constance Marie Bell.

(Testimony of Edward Raymond Ege.)

Q. And in what car did you take her over?

A. I took her over in the Cadillac.

Q. Now, you talked—you had occasion to be interviewed in connection with this matter by a special agent of the Federal Bureau of Investigation, have you not?

A. You are very correct, sir.

Q. And that was in Sacramento?

A. That is correct.

Q. And it was in September, 1954, was it not?

A. Let's see, it could have been September, 1954, yes.

Q. And do you recall the name of the agent?

A. It was an agent, I believe his name is Malone. The other agent's name I don't recall. [304]

Q. And were you interviewed by Mr. Malone on more than one occasion?

A. Two times.

Q. Two times?

A. Mr. Malone—the last time that—it wasn't an interview; he come and told me what was going to happen and the procedure, that the marshal's office will come and what will happen to me, and there was no discussion of the case, except he asked me if I had any statement to make. And I said, "Mr. Malone," I said, "I am not guilty of this crime that I am charged with."

Q. As a matter of fact, Mr. Ege, on the occasion of that first interview, which was on or about September 16, 1954—would you say that was about right?

A. Correct.

Q. And on the occasion of that first interview, you denied to Mr. Malone, did you not, that you

(Testimony of Edward Raymond Ege.)

named anyone named Constance Marie Bell or Mildred Berg, is that correct?

A. I denied knowing Constance Marie Bell or Mildred Burke (sic).

Q. And on the second interview, you had occasion to make a similar denial, did you not?

A. Beg your pardon?

Mr. Stout: May I have the question read, please?

The Court: Read it, Mr. Reporter. [305]

(Question read back by the reporter.)

A. That's correct. I might add, if I can, I never knew a Constance Marie Bell or a Mildred Burke (sic).

Q. (By Mr. Sparrow): And when was the occasion of this second interview?

A. Oh—now, you're right. The man come and then he come back and showed me some pictures and he asked me if I know these girls and I said I do not recognize them by their pictures.

Q. As a matter of fact, you declared that you did not recognize them, did you not, on that occasion?      A. That's right.

Q. It is now your testimony that you said to him that you, after seeing the pictures, you did not recognize them? Is that right?

A. When I saw the pictures, I told him I did not recognize those pictures.

Q. Now, you had a discussion on the occasion of the first visit of Mr. Malone; on that occasion



(Testimony of Edward Raymond Ege.)

you stated that you did not know your wife, Gloria, was living.      A. That's correct.

Q. And you did not know what she was doing, is that correct?      A. That's correct.

Mr. Stout: Just a moment. Excuse me. May the answer be stricken pending the objection, Your Honor, just so that I may make it for the record? [306]

The Court: Make your objection.

Mr. Stout: That any statement with reference to his knowledge of his wife's occupation, of that nature, would not be relevant or material at this time.

The Court: The objection is overruled and the motion is denied.

A. Will you ask the question again?

Mr. Sparrow: May we take the recess at this time?

The Court: We will take the usual afternoon recess, ladies and gentlemen.

(Recess.) [307]

Q. (By Mr. Sparrow): Did you have any children, Mr. Ege?      A. No, sir.

Q. I beg your pardon?      A. No, sir.

Q. By the way, what was Rosalind's last name?

A. I don't remember.

Q. Did you know her name at one time?

A. I beg your pardon, sir?

Q. Did you know at one time?

A. Yes, I knew Rosalind. She was a girl that was around Sacramento.

(Testimony of Edward Raymond Ege.)

Q. Would her name be Sauber?

A. That is her name, Rosalind Sauber.

Q. Under what name was Constance Marie Bell introduced to you?

A. Cynda Marlow.

Q. Cynda Marlow?

A. Yes, sir.

Q. You have also know her to use the name Martin as well, have you not?

A. Martin? No, sir, I never did.

Q. Would you say she never to your knowledge used that name?

Mr. Stout: Objection, if your Honor please.

The Court: Overruled.

A. To my knowledge she never used that name. [308]

Q. (By Mr. Sparrow): Were there any collect telephone calls received at 395 Monterey Boulevard by a person named Cindy or Cynda Martin?

A. No.

Mr. Stout: Excuse me; was that Cinda, C-i-n-d-a? I can't tell.

The Court: Did you say Cindy or Cinda?

Mr. Sparrow: I said Cynda, C-y-n-d-a.

The Witness: That is not—I never received any collect calls by anybody by that name.

Q. (By Mr. Sparrow): Did you pay telephone bills at 395 Monterey Boulevard as a result of a call to that address by anyone by that name?

A. Not to my knowledge.

Q. Would you say that you had never paid such a bill?

A. Well, I paid the phone bill there; I don't be-

(Testimony of Edward Raymond Ege.)

lieve it says on the phone bills who the calls come from.

Q. As a matter of fact, on December 21, 1953, there were two calls, collect calls, from Barstow, California, to 395 Monterey Boulevard, the first in the name of Sandy Martin and the second in the name of Cynda Martin; isn't that so?

A. What dates were those phone calls made?

Q. December 21, 1953.

A. I never received any phone calls from Barstow at any time from anybody. [309]

Q. Did you pay any telephone bills on such calls?

A. If I did, I don't remember the call coming in.

Q. Do you remember where you were on December 21, 1953?

A. I believe on the 21st or 22nd I was in Las Vegas, Nevada.

Q. And when did you arrive in Las Vegas, Nevada? A. About that time, about the 21st.

Q. And from where did you come to Las Vegas?

A. From San Francisco.

Q. When did you leave San Francisco?

A. I don't remember what time I left San Francisco.

Q. Was it early in the month of December, the middle of the month, or before?

A. Oh, I left—it was approximately at the date, around the 21st.

Q. What route did you take from San Francisco to Las Vegas? A. I went by Reno.

Q. I beg your pardon?

(Testimony of Edward Raymond Ege.)

A. I went by Reno.

Q. By what? A. By Reno, Nevada.

Q. By way of Reno?

A. Highway 40 and down the desert.

Q. What were you driving?

A. A Cadillac.

Q. Did you spend the night in Reno? [310]

A. No, I did not.

Q. Did you spend the night anywhere en route between San Francisco and Las Vegas on that occasion? A. I did not.

Q. You drove right straight through; is that right? A. Yes, sir.

Q. Was anyone with you?

A. There was no one with me.

Q. How long did you stay at Las Vegas?

A. I was in Las Vegas until the night of the 24th or the 25th.

Q. And you place that by Christmas Day; is that correct? A. Correct.

Q. Where did you spend Christmas?

A. I spent Christmas in San Francisco.

Q. So you couldn't have left Las Vegas on the 25th, is that right, unless you had a very early start in the morning?

A. No, they have a flight that leaves Las Vegas.

Q. You flew back from Las Vegas to San Francisco? A. That's right, yes, sir.

Q. Where did you leave your car?

A. I left the car—it wasn't my car; I took the

(Testimony of Edward Raymond Ege.)

car to a person who owned the car in Las Vegas, and was the purpose of my trip going there.

Q. Did you see Constance Marie Bell while you were in Las—— [311]

A. I beg you pardon, sir?

Mr. Sparrow: Do you want to read the question, Mr. Reporter?

(The reporter read the question.)

A. I did not.

Q. (By Mr. Sparrow): In whose name was the car registered which you say you left in Las Vegas?

A. That car was registered in my name.

Q. With whom did you leave it in Las Vegas?

A. With a girl named Mary Fergundez.

Q. Where did she live?

A. She lived in Las Vegas.

Q. Whereabouts?

A. I don't know where she lived.

The Court: By the way, when did you say you got out of the hospital?

A. In '49, some time.

Q. From there you went to Sacramento and worked as a bartender; is that right?

A. Yes, sir.

Q. And according to your testimony you were picking up a dollar here and there the best you could; is that right?

A. Correct, sir.

Q. And you went to work for the Buffalo Club which was a card club at 19th and S Streets, is that right? [312]



(Testimony of Edward Raymond Ege.)

A. No, I worked in the card club before I went into the hospital.

Q. Before you went into the hospital?

A. Yes.

Q. You worked at the Sacramento Hotel after you got out of the hospital?

A. No, I worked at the Sacramento Hotel after I was discharged from the service.

Q. What did you do immediately after you got out of the hospital?

A. Immediately I was discharged from the hospital I went to Sacramento and went in the Double Play bar which was on Riverside Drive.

Q. Were you working on a salary there?

A. Well, I was getting a salary and 50 per cent of the profit.

Q. Was that a monthly salary or weekly salary?

A. It was paid by the week.

Q. How much did you make?

A. Well, whatever the bartenders' scale was at that time.

Q. Well, what was it—\$15 a day, \$12 a day? What is your best recollection?

A. Well, now, to go back, I think that I had a drawing account of \$50 a week, and then anything that was drawn over and above that, we would cut it up at the end of the month if [313] there was a profit, or if I needed more money I just drew it, and at the end of the year when I got the 502 form it showed what I had earned there.

(Testimony of Edward Raymond Ege.)

Q. What was your average take-home pay per month?      A. Sir?

Q. What was your average take-home pay per month?      A. I would say approximately \$300.

Q. Did you have any other source of income?

A. Yes, sir, I got \$200—well, I got \$196.50 from the United States Government.

Q. About this Cadillac car—did you originally purchase that car?

A. In 1950 Cadillac car I purchased.

Q. And were you buying it on time or did you buy it outright?      A. I bought it on time, sir.

Q. What was the amount of your payments per month?      A. Gee, I don't remember.

Q. Do you remember how much of a down payment you made on it?

A. Well, I had a '48 Cadillac car that I traded in for that, sir.

Q. Do you remember how much you got for that?

A. I believe there was \$1800 difference.

Q. What was the purchase price of the 1950 Cadillac?

A. Well, what the purchase price of the '50 Cadillac was I can't recall, but I know there was \$1800 difference in the two [314] cars.

Q. I am interested in knowing and finding out because it is a little confusing. You say that you drove this Cadillac to Reno?

A. It wasn't that Cadillac.

Q. Oh; it was another Cadillac?

A. Yes, sir.

(Testimony of Edward Raymond Ege.)

Q. Did you own that one? A. No, sir.

Q. What did you do with your own Cadillac when you drove this one to Las Vegas?

A. I left it in San Francisco.

Q. You left it in San Francisco? A. Yes.

Q. In other words, you came down here in your own Cadillac?

A. To San Francisco, yes, sir.

Q. And then picked up this Cadillac?

A. No, this Cadillac was here. It was purchased by me for somebody else because of the fact that they couldn't get credit, so they asked me if they could use my name. I said yes, it was all right, and they purchased a 1952 Cadillac.

Q. And the Cadillac was in your name, was that right?

A. The Cadillac was in my name until such a time when I took it and give it to the people in Las Vegas where they could take it over for themselves at that time. [315]

Q. And then you drove your Cadillac down to San Francisco and picked up the '52 Cadillac?

A. I get pardon?

Q. You drove your Cadillac to San Francisco?

A. That's right.

Q. From Sacramento? A. Yes, sir.

Q. You left your Cadillac here, did you?

A. Correct, sir.

Q. Where did you leave it?

A. At 395 Monterey Boulevard.

Q. And then you went and got the 1952 Cadillac?

(Testimony of Edward Raymond Ege.)

Is that right?           A. Yes, sir.

Q. Then you drove back through Sacramento over to Reno; is that right?           A. Correct.

Q. And then down through Tonopah, through Bady, into Las Vegas?           A. Correct, sir.

Q. For the purpose of leaving it with the person who really owned it; is that right?

A. That is correct.

Q. What was his name?

A. It was Mary Fergundez; it was a girl. [316]

The Court: All right.

Q. (By Mr. Sparrow): And you don't know where Mary Fergunez lives; is that right?

A. No, sir. Oh, I know where she lived in Sacramento. [316A]

Q. Where did she live in Las Vegas?

A. She was staying at the Roxy Motel.

Q. You delivered it to her there, is that right?

A. No, I didn't deliver it to her there. I met her in a bar.

Q. During the fall of 1953, Mr. Ege, did you have occasion to make a visit to Barstow?

A. I had no occasion to make a visit to Barstow.

Q. Is it your testimony that during the fall of 1953 you never visited the town of Barstow; is that correct?           A. That is correct.

Q. And did you pay any visits during the fall of 1953 to the County of Yolo?           A. I did not.

Q. It is your testimony that at no time during the fall of 1953 did you go to the County of Yolo?

A. No.

(Testimony of Edward Raymond Ege.)

Mr. Stout: Well, excuse me. Is that what you mean?

Mr. Sparrow: Pardon me. I think the answer was perfectly understood, and it was made.

Q. Now, my next question is, how about a trip to Tulsa?

Mr. Stout: May I be heard?

The Court: Do you have an objection?

Mr. Stout: Yes, Your Honor. I feel that the question was ambiguous, because included within it, from my knowledge [317] of the road between here and Sacramento——

Mr. Sparrow: It isn't your knowledge, Mr. Stout.

Mr. Stout: It goes along through Yolo County, so that if you're going between here and Sacramento, per se, you do go through Yolo County.

The Court: I think the question was capable of being fully understood. I think the witness understood it and so answered.

A. I could have went through Yolo County. If you mean by visiting it, did I pass through it. I thought you meant, did I spend time at any specific place in Yolo County. If that is what you meant, I did not stop at any specific place in Yolo County.

Q. (By Mr. Sparrow): Mr. Ege, did you make a trip during the fall of 1953 to Folsom, California?

A. Yes, I did.

Q. On more than one occasion?

A. Yes, I made a couple—two or three trips there.



(Testimony of Edward Raymond Ege.)

Q. Do you recall where they were?

A. Yes, they were to the place in Folsom, California.

Q. Do you remember when?

A. It was between October the 1st and the last part of October.

Q. And who would you see there at the house, if anyone?

A. I saw Barbara Reynolds. [318]

Q. And how long did you stay?

A. Well, I was there in the afternoon and did some carpentry work in the place and a little work around the place that Miss Reynolds would like to have fixed that she couldn't do by herself.

Q. How much rent did Miss Reynolds pay you?

A. On this occasion Miss Reynolds didn't pay me anything.

Q. Mr. Ege, during the fall of 1953, were you ever in the City of Fresno?

A. In the City of Fresno in the fall of 1953?

Q. Yes; by that I mean, any time in September, October, November or December.

A. Yes, I made a trip to Fresno.

Q. On more than one occasion?

A. Not that I can recall.

Q. And when was the occasion of that one visit that you made?

A. When Constance Marie Bell called me and asked me if I would come down and pick her up and bring her to San Francisco.

Q. So you did do that; is that correct?

A. Yes, I did.

(Testimony of Edward Raymond Ege.)

Q. So that that was one more occasion other than San Rafael on which you had occasion to take her on a trip?

A. You're right. I overlooked the fact I brought her from Fresno to San Francisco. [319]

Q. And other than the visit which you have just described, to Las Vegas, did you have occasion during the fall of 1953 to make other visits to Las Vegas?

A. Did I make any other visits to Las Vegas other than——

Q. Other than the one you have just testified to?

A. Yes, I did.

Q. And when was that?

A. The exact month—around March, 1954, it was.

Q. My question was, Mr. Ege, during the fall of '53, other than that occasion, that one that you have just testified to. Did you have occasion to go to Las Vegas? A. No, sir.

Q. So that one visit in December, 1953, was the only one that you made in the fall of that year to Las Vegas; is that correct?

A. No. In the fall—yes, possibly; I would answer that question yes.

Q. What airline did you come back from Las Vegas via? A. TWA.

Q. Did you make any stops en route?

A. No, sir, they have a direct flight.

Q. It lands in San Francisco Airport, is that correct? A. Correct.

(Testimony of Edward Raymond Ege.)

Q. How long have you known Mary Fagundes?

A. I have known Mary Fagundes for several years. [320]

Q. When did you first meet her?

Mr. Stout: Excuse me, Your Honor, please. This is objected to on the ground it is irrelevant and immaterial and beyond the scope of this indictment.

The Court: Overruled.

Mr. Stout: If this line of questions is to continue, may the record note a continuous objection?

The Court: The record will note that.

Mr. Stout: Thank you.

The Witness: Pardon; could I have the question?

Mr. Sparrow: Would you read it, Mr. Reporter?

(Reporter read the last question.)

A. I would say that I met her for the first time sometime in 1949.

Q. And whereabouts?

A. In and around Sacramento.

Q. Do you remember the occasion of your first visit, who introduced you and why you were?

A. No, I think we were all just drinking in a bar and we got acquainted.

Q. How many times did you see her thereafter between 1949—

A. I saw Mary Fagundes quite a few times; I can't remember the occasions.

Q. Where did you see her?

A. In different places. [321]

(Testimony of Edward Raymond Ege.)

Q. Such as where?

A. I saw her in Las Vegas.

Q. And did you see her at any time—you mean in Las Vegas in December of '53?

A. No, I saw her other times in Las Vegas.

Q. Other times in Las Vegas?

A. Yes, she was there quite some time.

Q. Living at Roxy's Motel on the other occasions? A. Correct.

Mr. Stout: Just a minute. The question was objected to on the ground it is incompetent, irrelevant and immaterial.

The Court: Overruled.

Mr. Sparrow: No further questions.

Mr. Stout: I have no further questions, Your Honor.

The Court: Do any of you gentlemen wish to be heard?

Mr. Campbell: I understood that we had rested, your Honor.

The Court: I know, but I don't want to preclude you from asking any questions of this witness.

Mr. Campbell: We don't want to be bound by his testimony, either cross or direct.

Mr. Hagerty: That is our position, too, Your Honor, on behalf of the defendant Boyd.

Mr. Stout: The defense on behalf of Mr. Ege rests. Step down, Mr. Ege.

The Court: Any further testimony? [322]

Mr. Sparrow: No, Your Honor.

Mr. Stout: Did I understand that the government rested?

Mr. Sparrow: Yes.

The Court: The record discloses that all sides have rested; is that right?

Mr. Stout: Yes, Your Honor.

Mr. Sparrow: Yes, Your Honor.

The Court: Ladies and gentlemen of the jury, you will now be excused until 10:00 o'clock tomorrow morning at which time we will have the arguments and the instructions of the Court, and then you may proceed with your deliberations after that. In the interim, of course, you are again instructed not to discuss the case and not to form or express any opinion about it until it is submitted to you. You may retire at this time, because I have some other matters to take up with counsel.

(Thereupon the jury retired from the courtroom.)

### Certificate of Reporter

I (We), Official Reporter(s) and Official Reporter(s), pro tem, certify that the foregoing transcript of 323 pages is a true and correct transcript of the matter therein contained as reported by me (us) and thereafter reduced to typewriting, to the best of my (our) ability.

/s/ W. A. FOSTER,

/s/ WM. A. CARR,

/s/ J. P. SWEENEY.



Thursday, September 29, 1955

(Closing arguments made to the jury.)

### INSTRUCTIONS TO THE JURY

The Court: Let the record show, Mr. Reporter, that I have prior to the arguments of counsel given to respective counsel the instructions that I propose substantially to give in accordance with the provisions of Rule 30 of Our Rules of Criminal Procedure.

Ladies and gentlemen of the jury, you have listened with commendable attention to the evidence as it has come to you from the mouths of the various witnesses who have appeared before you during the trial of this case. I want you to know that this Court is appreciative of the earnestness which you have demonstrated in the performance of your sworn duty as jurors, and I assure you, therefore, that you have the gratitude and the commendation of this Court for the very properly serious and conscientious manner in which you have proposed these, your most important duties as citizens.

As I have indicated to you, it now becomes my duty to state to you the law that is applicable to the facts and which must guide you and govern you in reaching your conclusion upon the evidence which has been presented to you in this case.

You know, ladies and gentlemen, the Court and the jury work as a sort of a team. You judge the facts, and it is my [324] duty to give you the law. It is your duty, reciprocally, to accept the law as it

is given to you by me as the law of the case. You are the exclusive judges of all questions of fact and whereas the law provides that in a case of this character the federal judge, if he so desires, may comment upon the evidence, I do not desire to do so at this time. You have heard the evidence as well as I have and I consider you to be just as competent to arrive at a conclusion in this case as I would be. So, therefore, I do not desire to comment at this time upon the evidence. You are the sole judges of the weight of the evidence and the credibility of the witnesses. But to reiterate as to the principles of law which are governed, you are to be governed by the instructions of this Court and not otherwise.

So therefore at the very outset I charge you that you must not consider for any purpose whatsoever any testimony or evidence which has been by order of the Court stricken out. Such testimony or evidence should be treated by you as though you had never heard it.

Now, again, you will distinctly understand that in this charge, in these instructions that I am about to give you, I do not express in any manner or form, nor do I desire to express, any opinion upon the weight of the evidence or any part thereof, nor do I express any opinion as to the truth or falsity of the testimony of any witness who has been sworn in [325] this case.

It may have occurred during the trial of this case that the Court has been called upon to make certain comments and ruling upon the objections of counsel and upon motions made by them. You should

not draw any inference from any such remarks or comments or rulings or the Court that I may have had occasion to make that this Court was intending to convey to the jury in any manner whatsoever its view or opinion as to what the verdict or decision of the jury should be. Such comments as I may have had occasion to make in that regard were only pursuant to the power and, indeed, the duty of the Court to supervise the trial of this case and to expedite it.

So therefore with the questions of fact, the weight of the evidence, the credit that you should give to any witness sworn in the case, again, the Court expresses no opinion because these are matters which are entirely within your province and which you as jurors under your solemn oaths must determine for yourselves.

My duty is simply to announce to you such general principles of law as are applicable to the case based upon the testimony that you have heard as concisely, as expeditiously, as is consistent with my duties and the importance of the issues which are here involved.

So therefore, if in stating to you any proposition of law I have assumed any fact as proven, you are to disregard such [326] assumption and deduce your own conclusion from the evidence.

Further, if I, as the judge of this Court, have at any time during the trial of this case used any language or have seemed to you to indicate my opinion as to any question of fact or as to the credibility of any witness, you must not be influenced thereby

but you must determine for yourselves all questions of fact without regard to the opinion of anyone else.

It has been your duty, ladies and gentlemen, to listen patiently, as you have done, and attentively, as you have done, to all the evidence in the case and to the arguments of counsel, and may I respectfully suggest to you that you give to me the same undivided attention that you gave to counsel during the course of the trial, in order that I might assist you in arriving at a just and proper conclusion of this case.

Now, while it was your duty to listen to and consider the arguments of the attorneys in this case, I instruct you that such arguments are not evidence, and that the only legitimate purpose of the arguments of the attorneys is to assist you in arriving at a proper verdict from the evidence in the case, applying to such evidence the law as given to you by the Court.

Now, the defendant Edward Raymond Ege alone is charged by the Grand Jury in the first count of the indictment, as supplemented by a bill of particulars, with knowingly transporting Constance Marie Bell in interstate commerce, from San [327] Francisco, California, to Scottsdale, Arizona, for the purpose of prostitution on or about the 17th day of October, 1953. This first count of the indictment charges a violation of the White Slave Traffic Act, which is incorporated as Section 2421 of Title 18 of the United States Code. Now, insofar as pertinent, this section reads as follows:

“Whoever knowingly transports \* \* \* in inter-



state commerce \* \* \* any woman or girl for the purpose or purposes of debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute, or to give herself up to debauchery, or to engage in any other immoral practice'' (shall be guilty of a crime against the United States).

Now, the term "interstate commerce," as used in Section 2421, which I have just read to you, includes transportation from any State \* \* \* to any other State.

The transportation prohibited by Section 2421 includes transportation by means of private automobile, or any other vehicle.

The White Slave Traffic Act makes it a crime to transport a woman or a girl in interstate commerce for the purpose of prostitution or debauchery. It is directed at the transportation of females in interstate commerce for such illicit [328] practices, and it has for its purpose the prevention of the use of interstate commerce as a calculated means of effectuating immoral conduct of that kind.

In order to find the defendant Ege guilty of the charges contained in the first count of the indictment, you, the jury, must find, beyond a reasonable doubt: (1) that he knowingly transported Constance Marie Bell, or caused her to be transported, in interstate commerce, for the purpose of prostitution and with the intent and purpose that Constance Marie Bell practice prostitution or other immoral practices.



It is not necessary for the Government to establish the previous good moral character of the girl alleged in the indictment to have been transported in interstate commerce by the defendants in violation of the statute. It is immaterial in this case whether or not she had engaged in the practice of prostitution or any other immoral activities prior to her alleged transportation in interstate commerce. The White Slave Traffic Act applies equally to the transportation in interstate commerce of prostitutes or persons of previous chaste moral character.

An essential element of the offense charged is an intent and purpose of the defendant that the woman transported in interstate commerce shall engage in such immoral conduct, and if a defendant has not that necessary intent and purpose and motive, he cannot be found guilty of the offense. [329]

It is not necessary that a defendant actually transport the woman himself, or that he shall actually procure the tickets or arrange the transportation. It is sufficient if the defendant causes the woman to be transported or aids or assists in obtaining her transportation for the purpose set out in the statute.

One who deliberately aids or deliberately brings about the interstate transportation of a woman for immoral purposes, is as guilty of the offense of transporting her as though he had physically and personally carried her across the state line.

It is not necessary to a conviction that the sole and single purpose of the transportation of a woman in interstate commerce be the purpose of prostitu-

tion for other immoral purposes. It is enough that one of the dominant purposes was prostitution or debauchery. It is sufficient if one of the essential and compelling purposes in the mind of the defendants in the particular transportation was illicit conduct of that kind.

Now, the second count of the indictment charges all defendants, that is to say, Edward Raymond Ege, Joseph Boyd and Joseph Victor Bruno, with violating Title 18, United States Code, Section 371, in that they, and each of them, conspired together to transport women in interstate commerce between California and Arizona and between California and Nevada, for [330] the purpose of prostitution.

Accordingly, if you find beyond a reasonable doubt that the defendants conspired together to transport women, including Constance Marie Bell, in interstate commerce for the purpose of prostitution, and that any one of the overt acts charged was done in furtherance of the conspiracy, it is your duty to convict. The overt acts charged to have been done in furtherance of the conspiracy, as supplemented by a Bill of Particulars are as follows:

1. On or about June 15, 1953, defendants Joseph Boyd, alias Joe Boyd, and Edward Raymond Ege went to 2545 Noriega Street, San Francisco, California, State and Northern District of California.

2. On or about September 15, 1953, defendant Edward Raymond Ege took one Constance Marie Bell from the Sarong Club, 875 Geary Street, City and County of San Francisco, State and Northern

District of California, to 395 Monterey Boulevard of said city.

3. On or about September 15, 1953, at 395 Monterey Boulevard, City and County of San Francisco, State and Northern District of California, defendant Edward Raymond Ege had a conversation with Constance Marie Bell.

4. On or about October 13, 1953, defendant Edward Raymond Ege drove an automobile from Folsom, California, to 395 Monterey Boulevard, City and County of San Francisco, State and [331] Northern District of California.

5. On or about October 20, 1953, at 395 Monterey Boulevard, City and County of San Francisco, State and Northern District of California, defendant Edward Raymond Ege gave the telephone number in Arizona of defendant Joseph Boyd, alias Joe Boyd, to Constance Marie Bell.

6. On or about October 22, 1953, Constance Marie Bell, in the State of Arizona, had a telephone conversation with defendant Joseph Boyd, alias Joe Boyd.

7. On or about October 22, 1953, defendant Joseph Boyd, alias Joe Boyd, drove Constance Marie Bell in an automobile from Phoenix, Arizona, to Scottsdale, Arizona.

8. On or about October 25, 1953, Constance Marie Bell in the State of Arizona had a telephone conversation with Edward Raymond Ege in the City and County of San Francisco, State and Northern District of California.

9. On or about October 27, 1953, defendant Jo-

seph Victor Bruno drove Constance Marie Bell from Bakersfield, California, to Delano, California.

10. On or about November 5, 1953, in the City and County of San Francisco, State and Northern District of California, defendant Edward Raymond Ege took the sum of approximately \$700 from Constance Marie Bell.

11. On or about November 10, 1953, defendant Edward Raymond Ege drove Constance Marie Bell from the City and [332] County of San Francisco, State and Northern District of California, to the County of Yolo, State of California.

12. On or about December 7, 1953, defendant Edward Raymond Ege drove Constance Marie Bell from the City and County of San Francisco, State and Northern District of California, to the City of Barstow, State of California.

13. On or about December 20, 1953, in the City of Barstow, State of California, defendant Edward Raymond Ege took the sum of approximately \$900 from Constance Marie Bell.

14. On or about December 22, 1953, defendant Edward Raymond Ege drove Constance Marie Bell from the City of Barstow, State of California, to the City of Las Vegas, State of Nevada.

Now, you are instructed, ladies and gentlemen, that mere association does not make a conspiracy. In order to find the defendants guilty of the conspiracy charged, you must be satisfied beyond a reasonable doubt that they together formed a common purpose and design to transport women from one state to another for purposes of prostitution, and



that at least one of the overt acts charged was done in furtherance of that design.

Common design is the essence of conspiracy.

However, it is not necessary to constitute a conspiracy that two or more persons should meet together and enter into an explicit or formal agreement for an unlawful scheme, or [333] that they should directly by words or in writing state what the unlawful scheme was to be and the details of the plan by means of which the unlawful plan or combination was to be effected. It is sufficient that two or more persons in any manner or through any contrivance positively or tacitly come to a mutual understanding to accomplish the common and unlawful design charged in the indictment. In other words, where an unlawful end is sought to be effected and two or more persons, actuated by a common purpose of accomplishing that end, work together in any way in furtherance of the unlawful scheme, every one of said persons becomes a member of the conspiracy, although the part he was to take therein was a subordinate one and was to be executed at a remote distance from the other conspirators.

The evidence must convince that the defendants did something other than participate in the substantive offense which is the subject of the conspiracy; that is, the evidence must show beyond a reasonable doubt a common purpose or design.

If the evidence of the separate details of the transaction as it was carried out indicates with the requisite certainty the existence of a preconceived



plan and purpose, that is sufficient to permit you to infer that the illegal agreement charged was in fact entered into.

You are instructed that the evidence must establish the conspiracy charged; evidence that establishes another [334] conspiracy or several other conspiracies will not sustain a verdict.

An overt act need not be criminal in nature, if considered separately and apart from the conspiracy; it may be as innocent as the act of entering a house or a night club or driving an automobile, or using a telephone. But, if, during the existence of the conspiracy, the overt act is done by one of the conspirators to effect the object of the conspiracy, the crime is complete, and it is complete as to every party found by you to be a member of the conspiracy, no matter which one of the parties do the overt act.

It is not necessary, as I have indicated, that all the overt acts charged be proved, but it is necessary that at least one of these be proved and that it be shown to have been in furtherance of the object of the conspiracy. Other overt acts than those charged may be given in evidence, but proof of one of those charged in the indictment is indispensable.

The time and place of the formation of the conspiracy are material, provided any of the overt acts were committed within the jurisdiction of this Court, on or about the respective dates alleged. The Government may have no exact knowledge of the time or place of the formation of the conspiracy, and to require it to specify the particular time and

place would defeat almost every prosecution under this act.

To render a person criminally liable as a conspirator it [335] is not necessary that he received any pecuniary advantage or benefit from the conspiracy or that he joined the conspiracy with the view of obtaining a pecuniary advantage or benefit.

You are instructed that it is not incumbent upon the Government to prove the precise dates upon which the offenses were alleged to have been committed, it being sufficient for the purposes of this case that it is shown that the offenses were committed within the past five years.

The question of intent is a matter for you, as jurors, to determine, and, as intent is a state of mind it is not possible to look into a man's mind to see what went on, the only way you have of arriving at the intent of the defendants in this case is for you to take into consideration all of the facts and circumstances shown by the evidence, and determine from all such facts and circumstances what the intent of the defendants was at the time in question.

You are here to determine the guilt or innocence of the defendants from the evidence before you. You are not called upon to return a verdict as to the guilt or innocence of any other person or persons. So if the evidence convinced you beyond a reasonable doubt of the guilt of the defendants, you should so find even though you may believe one or more other persons are also guilty.

On the other hand, if any reasonable doubt remains in your minds after impartial consideration

of all the evidence, [336] you should acquit the defendant.

The burden is always upon the prosecution to prove both act and intent beyond a reasonable doubt.

The intent required to be proved in order to convict a defendant of the offense charged in the indictment is not only an intentional conspiracy, knowingly and wilfully to transport women between California and Arizona and Nevada, but also the further specific intent that such women engage in prostitution as a result of such transportation.

Mere knowledge of an unlawful conspiracy is not sufficient to make one a member thereof. He must actively participate therein; he must do something in furtherance thereof before he is liable as a member.

Before you may find that a defendant has become a party to or a member of a conspiracy, it must appear from the evidence beyond a reasonable doubt that such conspiracy was formed and that the defendant wilfully participated in the unlawful plan with specific intent to further the common design or purpose.

Now, to participate wilfully means to participate voluntarily and purposely and with specific intent to violate the law, or with reckless disregard as to whether or not the act is a violation of the law. That is to say, if a person—with understanding of the unlawful character of a plan—intentionally encourages, advises or assists with the purpose [337] of furthering the enterprise or scheme, he becomes a wilful participant, a conspirator. [337A]

Mere similarity of conduct among various defendants and the fact that they may have associated with each other and may have met together and discussed common aims and interests does not necessarily establish the existence of a conspiracy.

One may become a party to or a member of a conspiracy without full knowledge of all the details of the conspiracy or of the means to be used. The person, however, who has no knowledge of a conspiracy but happens to act in a way which furthers an object of the conspiracy does not thereby become a conspirator. As stated before, there must be some wilful participation with the intent to further the common purpose or design.

In order to establish, as to any individual defendant, the offense of conspiracy charged in the indictment, the evidence must show beyond a reasonable doubt:

First, that the conspiracy described was formed at or about the time alleged;

Second, that the accused knowingly and wilfully became a party to or a member of the conspiracy;

Third, that the accused, while a member of the conspiracy, had the specific intention to transport or cause to be transported women between California and Arizona or between California and Nevada for the purpose of prostitution;

Fourth, that one of the conspirators thereafter knowingly [338] committed at least one of the overt acts charged in the indictment;

Fifth, that such overt act was committed in furtherance of an object or purpose of the conspiracy;



Sixth, that the accused himself must have actively participated in the conspiracy by doing something in furtherance thereof.

If you find that any one of these six elements have not been proven beyond a reasonable doubt as to any defendant, then you must find the defendant "Not Guilty."

All evidence of a witness whose self-interest or attitude is shown to be such as might tend to prompt testimony unfavorable to the accused should be considered with caution and weighed with great care.

All evidence relating to any admission or incriminatory statement claimed to have been made by defendant outside of Court should be considered with caution and weighed with great care.

Since the burden is upon the prosecution to prove the accused guilty beyond a reasonable doubt of every essential element of the crime charged, the defendant has the right to rely upon a failure of the prosecution to establish such proof. A defendant may also rely upon evidence brought out on cross-examination of witnesses for the prosecution. The law does not impose upon a defendant the duty of producing [339] any evidence.

An accomplice, ladies and gentlemen, is one defined as to be one concerned with another or others in the commission of a crime. It is settled law in this country that even accomplices are competent witnesses and that the government has the right to use them as such. It is the duty of the Court to admit their testimony, and it is the duty of the jury to consider it.



The testimony of an accomplice, however, is always to be received with caution and weighed and scrutinized with great care.

If you find from the evidence that Constance Marie Bell took part in the commission of the crime or aided in the commission of the crime with intent to assist in its commission, she was an accomplice.

The defendant, Edward Raymond Ege, as you know, is charged in the indictment with two separate and distinct counts. You must consider each count separately as though each was set forth in a separate indictment, and in order to convict or acquit the defendant on any count, you must reach a unanimous verdict as to each count. It will take all twelve of you to convict or acquit, as the case may be, on each count. If you agree upon a verdict on the offense charged in one count of the indictment, but are unable to reach an agreement on any offense charged in any other count [340] thereof, you should return in Court the verdict upon which you have agreed.

Although the indictment in this case charged three defendants with the offenses set forth therein, you are instructed that you must determine the guilt or innocence of each defendant in this case as if he were the only defendant on trial. Each defendant has the right to have you consider his individual guilt or innocence independently from the guilt or innocence of the other defendants in the case.

The defendant Edward Raymond Ege is separately charged with violation of Title 18, U. S. Code,

Section 2421. I am repeating this because it is important. Specifically, he is accused of knowingly transporting in interstate commerce from San Francisco to Scottsdale, Arizona, a woman known as Constance Marie Bell for the purpose of prostitution. Prostitution means that a woman knowingly submits her body promiscuously for hire.

One of the essential elements of this crime is that the defendant Ege have the specific intent, purpose and motive of transporting the named woman in interstate commerce for the purpose of prostitution. This specific intent, purpose and motive must be found by you to have existed in defendant Ege's mind prior to having the woman go from San Francisco to Scottsdale, Arizona. In order to convict the defendant, it is not necessary that you find that the sole and single [341] purpose of the woman's trip was for the purpose of prostitution. It is enough that prostitution was one of the efficient and compelling purposes or reasons.

In this trial there have been instances when evidence was admitted which may properly be considered by you only against some of the defendants and not against others. And I shall now instruct you as to the manner in which you must do so.

You are not to consider any statement or statements made by one defendant out of the presence of another defendant as evidence against such defendant. Thus, for example, the statements made by Boyd in Scottsdale, Arizona, are not to be considered by you as against Ege and Bruno. Nor are any conversations had between Ege and Boyd in San

Francisco to be considered by you as evidence against the defendant Bruno. Nor are any activities of Bruno in Delano or Bakersfield to be considered by you as evidence against Ege or Boyd.

However, there is an exception to the rule that I have just given you. The law allowed the statement and admissions of one conspirator to be admitted against his fellow conspirator if the statement is made by one of them in furtherance of the conspiracy. Therefore, if and only if you first find that there was a conspiracy in existence at the time of the statement and that the statement was made by one of the conspirators in furtherance of the conspiracy, then you may [342] regard it as evidence against every other person whom you may have found to be a member of the conspiracy at the time of the statement.

For example, if you find that there was a conspiracy between Boyd and any other person or persons at the time of Boyd's statements in Scottsdale, Arizona, then you may consider anything said by Boyd which you believe to be in furtherance of the conspiracy as evidence against every other person in the conspiracy. If you do not first find such a conspiracy, or if you do not find any statement made by one of the conspirators to be in the furtherance of the conspiracy, then you may use the statement of any defendant as evidence only against him and not against the other defendants.

I instruct you that so far as the first count against defendant Ege is concerned, you may not use any evidence of statements not made by him or in his

presence in any case, even if you may use such evidence against defendant Ege under the second count, in accordance with the instruction I have just given you.

I further instruct you that the testimony of the witness Goldberg—you remember him, the lingerie entrepreneur who came here—is stricken from the record, and that you are not to consider it for any purpose whatsoever.

On count 2 of the charge you may find all of the defendants guilty or you may find two of the defendants guilty and one [343] not guilty, or you may find all of the defendants not guilty.

Obviously a man cannot conspire with himself.

In every criminal proceeding under our system of jurisprudence the defendants are presumed to be innocent until the contrary is proven, and in the case of a reasonable doubt whether their guilt is satisfactorily shown they are entitled to an acquittal.

This presumption is a form of evidence which attaches at every stage of the case and to every fact essential to a conviction.

Now, you have heard me say a great deal about reasonable doubt. I am not going to tell you what it is. It means exactly what it says. It is a doubt based upon reason, upon the thinking mind. It is that state of mind which, after an entire comparison, consideration of all the evidence, leaves your minds in that condition that you cannot say you feel an abiding conviction to a moral certainty as to the truth of the charge. The law, however, does not



require a demonstration; in other words, such a degree of proof, as excluding possibility of error, produces absolute certainty, because such a form of proof is rarely possible in human affairs. Moral certainty only is required. Or, in other words, that degree of proof which produces conviction in an unprejudiced mind.

Now, by reasonable doubt is not meant every possible or [344] fanciful conjecture that may be imagined by you, or may be suggested by you, or may be surmised by you, or may be suspicioned by you. The rule is not that there must be an acquittal in all cases of mere possible doubt, because, as I have just indicated a moment ago, everything relating to human affairs and depending upon moral evidence may be open to some possible or imaginary doubt.

Now, as I have heretofore indicated, you ladies and gentlemen are the sole judges of the weight of the evidence and the credibility of these witnesses who appeared before you. It is for you alone to judge the credibility of the witnesses, to say whether they are to be believed or disbelieved, the weight to be given the evidence offered is for your determination, its effect and its conclusions to establish any fact for which it has been offered for your consideration is your duty to resolve. In so doing, you may consider the conduct, the appearance, the demeanor of the witnesses upon the stand, the consistency or inconsistency, the reasonableness or unreasonableness, and the probability or improbability of any statement made by anyone. You have a right also to consider the interest that a witness has in the result



of this trial. From these and such other considerations as may have appeared to you on the case as presented, you will arrive at your conclusions as to the weight, the effect and the sufficiency of the testimony that has been offered. [345]

Every witness who takes the stand here is presumed to speak the truth. This presumption, however, may be repelled by the manner in which a witness gives his or her testimony, by the character of the testimony offered or by the motives which may actuate a witness in giving his or her testimony or by contradictory evidence.

And, of course, any witness who is found by you to be wilfully false in a material part of his or her testimony is to be distrusted by you in other parts.

Now, your power of judging of the effect of the evidence is not an arbitrary power, but it is one that must be exercised by you with legal discretion and in subordination to the rules of evidence.

You are not bound to decide this case in conformity with the declaration of any number of witnesses which do not produce conviction in your minds against a less number or against a presumption of law or other evidence which does not satisfy or favor your minds.

To put it another way, it is not the greatest number of witnesses that should control you where their testimony is not satisfactory to your minds against a less number whose testimony does satisfy your minds and produces this moral conviction, of which we have been speaking, that they are telling the truth.

To put it another way, it is upon the quality of testimony [346] rather than upon its quantity, or the number of witnesses, that you should act, provided it produces in your minds this moral conviction and satisfies you of its truthfulness.

So, therefore, the conduct of the witnesses, their character as shown by the evidence, their manner on the stand, their relation to the parties, may be taken into consideration for the purpose of determining their credibility or, if I may coin a word, their believability, as to whether they have spoken the truth or not, and you may scrutinize not only the manner of the witnesses on the stand, their relation to the case, if any, but also their degree of intelligence, their bias or prejudice, if any, the reasonableness or unreasonableness of their statements, and the strength or the weakness of their recollections. You may consider also their hopes and their fears.

As I told you before, under your oaths you are to take into consideration only that evidence which has been admitted by the Court. You should therefore in obedience to your oaths discard from your mind every impression or idea suggested to you by questions asked by counsel which were objected to and to which objections were sustained. The defendants here are to be tried only on the evidence which is before this jury and not upon suspicions that may have been excited by questions of counsel, the answers to which were not permitted. [347]

The direct evidence of one witness who is entitled

to full credit is sufficient for the proof of any fact in a case of this kind.

Gentlemen, I am about to conclude my instructions. Is there anything you wish to take up in the absence of the jury?

Mr. Sparrow: No, Your Honor.

Mr. Stout: Yes, Your Honor.

The Court: You may be excused for a few moments, ladies and gentlemen.

(The following proceedings were had outside the presence of the jury.)

#### EXCEPTIONS TO INSTRUCTIONS BY THE DEFENSE

Mr. Stout: I trust the Court can read my handwriting (submitting written memorandum of exceptions to the Court). I tried to brief it out in writing. If the Court has any questions, I will try to answer.

The Court: Take this down, Mr. Reporter.

Mr. Stout: Do you care if I read it?

The Court: I will read it.

Let the record show that Mr. Stout, on behalf of the defendant Ege, handed me a handwritten piece of paper entitled "U. S. vs. Ege, et al., No. 34576, Exceptions by Defendant Ege to the Court's Instructions":

"The defendant Edward Raymond Ege takes exception to the following instructions given by [348] the Court:

"1. The instructions re possibility of Constance Marie Bell being an accomplice, leaving it to the

jury to determine if she was in fact an accomplice.

“2. The instruction that the witness Bell’s testimony is to be considered with caution and weighed with care.”

Mr. Stout: That was my understanding, that the rule was that the testimony of an accomplice was to be viewed with distrust.

The Court: If I were you I would want the instruction.

Mr. Stout: I want the instruction “viewed with distrust” rather than “with caution.” I think that instruction is stronger than the other.

The Court: I prefer to give the one I gave, be considered with caution and weighed with care.

Continuing:

“Defendant Ege excepts to the Court’s failure to instruct as follows:

“1. That the testimony of Bell ought to be viewed with distrust.

“2. Unanimity of the jury as to the overt act proved by the Government.

“3. Statements of Boyd after arrest are not binding upon Edward Ege. [349]

“4. Failure of the trial Court to properly instruct on rules applicable to circumstantial evidence.”

There is no rule about circumstantial evidence in this circuit. This circuit makes no distinction.

“5. Failure of the Court to require special verdict as to each overt act.

“6. Failure of the Court to instruct re admissions, confessions or declarations of——”



What is this word?

Mr. Stout: I think it might be "Boyd's."

The Court: "—of a codefendant after termination of conspiracy caused by the arrest of the defendant Boyd."

And you have No. 7 apparently crossed out. Did you mean that to be crossed out, in red pencil?

Mr. Stout: Yes, sir, I wish it to be withdrawn, Your Honor. Your Honor did so instruct.

The Court: No. 8:

"Also the Court's failure to give Ege's instructions Nos. 31, 38, 40, 42, 43, 44.

"Respectfully submitted,

"GREGORY S. STOUT."

The record will show that your exceptions are noted. Bring in the jury. [350]

They are all denied.

Do you have some?

Mr. Campbell: (These proceedings also outside the presence of the jury.) They are not with regard to the instructions already given but with regard to those that are about to be given.

The Court: I am going to give them.

Mr. Campbell: I understand that, but I wish to request—Your Honor has indicated about sending the indictment out to the jury, and we respectfully request that the bill of particulars—which amends the indictment—not amends but adds to it—be also sent out with it.

The Court: Do you have any objection to that, Mr. Sparrow?



Mr. Sparrow: I think that the indictment is the only thing relevant, Your Honor, and I would prefer if only the indictment were furnished the jury.

The Court: Well, I am going to send just the indictment. If they want the bill of particulars, however, I think in view of the 14 overt acts that are set forth, I will be inclined to give it to them, if they insist.

Mr. Campbell: That is what I had in mind.

The Court: If they ask for it.

Mr. Campbell: Your Honor read the overt acts as amended by the bill of particulars and I wish at this time to renew the request for the special verdicts on the 14 overt acts. [351]

Mr. Sparrow: In connection with the bill of particulars, in view of the fact of the stipulation which has been entered into, if Your Honor please, to the effect that they had selected—were selected by me—based on—to the best of my ability—the evidence that I then had at hand, I don't think it forms necessarily part of the Grand Jury procedure by which these defendants were held.

The Court: I am going to wait until they ask for it. If they ask for it, I am going to be inclined to send it in.

Mr. Hagerty: Your Honor, the defendant Boyd would join in the defendant Bruno's request for the special findings on the overt acts, a special verdict on the overt acts.

The Court: Denied.

(The following proceedings were had within the presence of the jury.)

The Court: Ladies and gentlemen of the Court, at long last I am going to conclude these instructions to you. First of all, I want to tell you this, the question of punishment of the defendants in this case, in the event of a conviction, is of absolutely no concern to this jury. Any consideration of punishment should not in any sense enter into or influence your deliberations. The duty of imposing sentence, if any, rests exclusively upon the Court, and that is a burden which I must bear alone.

Your sole function is to weigh the evidence, determine the [352] guilt or innocence of the defendants solely upon the basis of the law and on the basis of the evidence and in accordance with the principles of the law which I have given you during the course of these instructions. Under your oaths as jurors, therefore, you cannot allow a consideration of the punishment which may be inflicted upon the defendants, if they are convicted, to influence your verdict in any manner whatsoever.

Now, as heretofore has been indicated, the jury is composed of 12 people, and while undoubtedly their verdict should represent the opinions of each individual juror, it by no means follows that the opinions may not be changed by conference in the jury room. The very object of the entire jury system is to secure a unanimity by a comparison of views and by arguments among the jurors themselves, and

each juror should listen to those arguments with the disposition to be convinced to those opinions. It is not intended that a juror should go to the jury room with a fixed determination that the verdict shall represent his opinion of the case at that particular moment, nor is it intended that he or she should close his or her ears to the arguments of others equally honest and intelligent with himself or herself.

Now, ladies and gentlemen, I appreciate that you have been here at the expense of your own affairs for the purpose of trying these issues of fact which have been presented by the allegations of the indictment which was filed by the Grand [353] Jury and the defendants' plea of not guilty thereto. By their plea of not guilty they put in issue all, each and every one of the material allegations contained in the indictment. As I have indicated before, you are performing one of the highest duties of citizenship, highest functions.

While you may take the indictment into the jury room, and the clerk will be instructed to give it to you first, you are not to consider it as evidence in the case because, as I told you when you were empaneled, it is merely the charging instrumentality by means of which the orderly processes of the Court are invoked and by which these defendants are brought in the course of orderly procedure to trial.

Now, this duty which you are about to perform, ladies and gentlemen, and which you have been performing, is a duty that you should perform un-

influenced in the slightest degree by any pity or compassion for these defendants or by any passion or prejudice on account of the nature of the charges which have been lodged against them. The law does not permit jurors to be governed by mere sentiment, conjecture, sympathy, passion or prejudice. Sympathy is a most commendable quality in the human family, but it has no place in the jury room. A verdict, therefore, that is founded on sentiments, pity for the accused persons, or upon public feeling or public opinion or upon passion or prejudice or conjecture or suspicions or surmises or upon any other factor of that kind would be a false [354] verdict. So, therefore, do not take counsel of them in your deliberations.

And remember this, ladies and gentlemen, the importance of your duties requires that you consider the right of the Government of the United States to have its laws properly executed and that it is with you, citizens selected from this district, that finally rest the duty of determining the guilt or innocence of those accused of crime, and unless you do your duty the law might just as well be stricken from the statute books.

You should also ever keep in mind the importance to the accused persons of the result of your deliberations and be just to them as well as to the Government, because both the Government of the United States and the defendants in this case have a right to demand, and they do demand and expect, that you will carefully and dispassionately weigh and consider the evidence and the law of the



case and give to each your conscientious good judgment and that you will reach a verdict that will be just to both sides regardless of what the consequences may be to anyone.

The law contemplates that a verdict be reached one way or the other, provided it can be done without doing violence to your individual consciences. If, ladies and gentlemen, therefore, upon a review and consideration of all of the evidence you should be satisfied beyond a reasonable doubt, as [355] I have defined reasonable doubt to you, that the defendants are guilty, you will so declare by returning a verdict finding them guilty as charged; and if you are not satisfied of their guilt beyond a reasonable doubt, you should without hesitation return a verdict finding them not guilty.

Now I am about to submit this case to you for your patient, attentive and deliberative consideration. It is your individual duty to consider all of the evidence that has been presented to you upon this important case, important to the Government, important to the defendants. Under the law, as I have given it to you, you must reach a verdict according to your best judgment. You will arrive at a verdict, if I may repeat myself, and emphasize it, without any fear, favor, prejudice or sympathy, but rather performing your duty with a sense of the responsibility that rests upon you and in conformity with your solemn oaths and obligations that you took when you were sworn in as jurors in this case.

Now, this is a criminal case, and, as I have indicated before, your verdict must be unanimous; that



is to say, all 12 of you must agree upon a verdict. And when you go into the jury room there are a few suggestions I would like to make to you respectfully in that regard. You should first proceed to elect one of your number as the foreman or forelady, and, if I may suggest to you, you should take a little time in that selection. Don't do it haphazardly and say: "Now, you [356] be the foreman, you're the first one in the jury room." Or, "You were the last one in the jury room." Or, "You came in, in the middle." You will agree, I think, that that is a rather stupid way of arriving at a decision as to who will preside over the deliberations, as important to all parties concerned as these are to be, and a rather silly way of proceeding, and therefore I counsel you to avoid it. Select one of your number in whom you have confidence that he will preside or she will preside with decorum and expeditiously aid you in arriving at a verdict.

The exhibits here are slight. I think a few checks, possibly some hotel records. If you want them, you may have them. They will be available to you at any time.

Any other needs that you may desire, you will communicate them to the United States Marshal, who will be outside your jury room door and who will also be there to give you any personal comforts that you may require.

The case is now submitted to you ladies and gentlemen.

Before that, I want to read to you—I neglected to do this—the forms of verdict.

The order in which I read these is of no importance. They contain the title of the court and cause, United States of America vs. Edward Raymond Ege, Joseph Boyd, alias Joe Boyd, and Joe Victor Bruno.

“We, the jury, find Edward Raymond Ege, [357] **the defendant at the bar**”—and a space for you to write “guilty” or “not guilty” as to count 1; “guilty or not guilty” as to count 2; and a space provided for the signature of your foreman or forelady.

The second form of verdict:

“We, the jury, find Joseph Victor Bruno, the **defendant at the bar**”—“guilty” or “not guilty” as to count 2.

That is the only count in which he is charged.

A similar space for the signature of the foreman.

And:

“We, the jury, find Joseph Boyd”—he is named in it as “alias Joe Boyd”—I don’t know whether that makes any difference—“the defendant at the bar”—“guilty” or “not guilty” as to count 2, because that likewise is the only count wherein he is charged. Similar space provided for the signature of your foreman or your forelady.

You may now retire.

(The jury, thereupon, retired to its deliberations.)

### Certificate of Reporter

(We), Official Reporters and Official Reporter(s) pro tem, certify that the foregoing transcript of 358 pages is a true and correct transcript of the matter

therein contained as reported by me (us) and thereafter reduced to typewriting, to the best of my (our) ability.

/s/ [Indistinguishable,]

/s/ W. A. FOSTER.

[Endorsed]: Filed November 29th, 1955.

---

In the United States District Court for the Northern  
District of California, Southern Division

No. 34576, Criminal

EDWARD RAYMOND EGE, JOSEPH BOYD,  
Alias JOE BOYD, and JOSEPH VICTOR  
BRUNO,

Defendants-Appellants,

vs.

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

CERTIFICATE OF CLERK TO RECORD  
ON APPEAL

I, C. W. Calbreath, Clerk of the United States Court for the Northern District of California, do hereby certify that the foregoing and accompanying documents and exhibits, listed below, are the originals filed in the above-entitled case and that they constitute the Record on Appeal herein as designated by the attorneys for the appellants:

Indictment.

Notice of Appeal, Ege.

Notice of Appeal, Boyd.

Notice of Appeal, Bruno.

Amended Notice of Appeal, Boyd.

Verdict, Ege.

Verdict, Boyd.

Verdict, Bruno.

Judgment and Commitment, Ege.

Judgment and Commitment, Boyd.

Judgment and Commitment, Bruno.

Motion by Ege to Dismiss 1st Count of Indictment.

Substitution of Attorneys, Ege.

Motion for Bill of Particulars.

Bill of Particulars.

Motion for Separate Trial of Counts in Indictment, Boyd—Boyd.

Notice of Motion for Separate Trial of Counts in Indictment.

Motion for Separate Trial of Counts in Indictment, Bruno.

Notice of Motion for Separate Trial of Counts in Indictment, Bruno.

Motion for a New Trial, Ege.

Motion for a New Trial, Boyd.

Motion for a New Trial, Bruno.

Motion in Arrest of Judgment, Bruno.

Stays of Execution, Ege.

Request for Questions Voir Dire Examination of Jurors.

Designation of Appeal, Boyd.

Designation of Appeal, Bruno.

Motion for Bail.

Minute Orders, 6-23, 7-7, 7-8, 7-14, 8-4, 9-26, 9-27, 9-28, 9-29, 10-28, 1955.

Reporter's Transcripts, 9-26, 9-27, 9-28, 9-29, 1955, and Inserts Exhibits, U. S. No. 1 and Deft.'s No. A.

In witness whereof, I have hereunto set my hand and affixed the seal of said District Court this 29th day of November, 1955.

[Seal] C. W. CALBREATH,  
Clerk;

By /s/ WM. J. FLINN,  
Deputy Clerk.

---

[Endorsed]: No. 14955. United States Court of Appeals for the Ninth Circuit. Edward Raymond Ege, Joseph Boyd and Joseph Victor Bruno, Appellants, vs. United States of America, Appellee. Transcript of Record. Appeals from the United States District Court for the Northern District of California, Southern Division.

Filed November 30, 1955.

/s/ PAUL P. O'BRIEN,  
Clerk of the United States Court of Appeals for the  
Ninth Circuit.



In the United States Court of Appeals  
for the Ninth Circuit

No. 14955

JOSEPH VICTOR BRUNO,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

STATEMENT OF POINTS ON WHICH  
APPELLANT BRUNO INTENDS TO RELY

Comes now the appellant, Joseph Victor Bruno, pursuant to Rule 17 (6), and represents to this Honorable Court that he intends to rely upon the following points on his appeal, all of which occurred in the course of the hearings and trial in the District Court:

(a) Error in the denial of the severance of trial of the counts of the indictment.

(b) Error occurring in the overruling of objections by appellant to the admission of evidence.

(c) Error in the denial of appellant's motions for judgment of acquittal.

(d) Error in denial of appellant's motion for a directed verdict.

(e) Error in denial of appellant's motion in arrest of judgment.

(f) Error in refusing to require special verdicts upon the alleged overt acts set forth in the indictment.

(g) Error in refusing to give instructions offered by the appellant.

(h) Error occurring in the instructions given to the jury.

(i) Prejudicial misconduct on the part of the prosecuting attorney and the trial judge in eliciting and receiving hearsay testimony as to character and reputation of the appellant when the same had not been put in issue by the appellant.

Respectfully submitted,

/s/ WALTER M. CAMPBELL,

LILLIE AND BRYANT and  
WALTER M. CAMPBELL,

ROBERT B. McMILLAN,  
Attorneys for Appellant.

Dated: December 1, 1955.

Service of Copy acknowledged.

[Endorsed]: Filed December 6, 1955.

---

[Title of Court of Appeals and Cause.]

STATEMENT OF POINTS ON WHICH APPELLANT EGE INTENDS TO RELY

Comes now the appellant, Edward Raymond Ege, pursuant to Rule 17 (6), and represents to this Honorable Court that he intends to rely upon the following points in his appeal, all of which occurred

in the course of the hearings and trial in the District Court:

(a) **Procedural errors.**

(1) The prejudicial denial of a motion, to exclude witnesses.

(2) Prejudicial denial of appellant's motion.

(3) Refusal of Court to permit to elect special verdicts upon the overt acts.

(b) Improper admission of evidence.

(c) Wrongful exclusion of evidence.

(d) Improper instructions given to the jury and the rejection of proper and lawful instructions requested by appellant.

(e) Insufficiency of the evidence.

(f) Misconduct of the trial Court.

(g) Double punishment imposed upon appellant.

Respectfully submitted,

GEORGE T. DAVIS,

/s/ GEORGE T. DAVIS,

Attorney for Appellant.

Dated: December 7, 1955.

Service of Copy Acknowledged.

[Endorsed]: Filed December 8, 1955.

[Title of Court of Appeals and Cause.]

STATEMENT OF POINTS ON WHICH APPELLANT BOYD INTENDS TO RELY

Comes now the appellant Joseph Boyd, pursuant to Rule 17 (6), and represents to this Honorable Court that he intends to rely upon the following points on his appeal, all of which occurred in the course of the hearings and trial in the District Court:

(a) Error in the denial of the severance of trial of the counts of the indictment.

(b) Error occurring in the overruling of objections by appellant to the admission of evidence.

(c) Error in the denial of appellant's motions for judgment of acquittal.

(d) Error in denial of appellant's motion for a directed verdict.

(e) Error in denial of appellant's motion in arrest of judgment.

(f) Error in refusing to require special verdicts upon the alleged overt acts set forth in the indictment.

(g) Error in refusing to give instructions offered by the appellant.

(h) Error occurring in the instructions given to the jury.

(i) Prejudicial misconduct on the part of the prosecuting attorney and the trial judge in eliciting and receiving hearsay testimony as to character and reputation of the appellant when the same had not been put in issue by the appellant.

Respectfully submitted,

/s/ EMMET F. HAGERTY,  
Attorney for Appellant.

Dated: December 8, 1955.

Receipt of Copy Acknowledged.

[Endorsed]: Filed December 9, 1955.

---

[Title of Court of Appeals and Cause.]

### SUBSTITUTION OF ATTORNEYS

I, Joseph Boyd, the appellant above named, hereby substitute and appoint Leo R. Friedman, 935 Russ Building, San Francisco, California, as my attorney in the above matter in the place and stead of Emmet F. Hagerty.

Dated: December 29th, 1955.

/s/ JOSEPH BOYD.

I, Emmet F. Hagerty, hereby consent to the foregoing substitution of attorneys.

/s/ EMMET F. HAGERTY.

I, Leo R. Friedman, hereby consent to the foregoing substitution of attorneys.

/s/ LEO R. FRIEDMAN.

Receipt of Copy Acknowledged.

[Endorsed]: Filed January 16, 1956.



The first of these is the fact that the United States is a young nation. It has only been about 150 years since it was founded. This is a very short time in the history of the world. Yet in this short time, the United States has achieved many great things. It has become a world power, a leader in science and technology, and a model of democracy. It has also made many mistakes, but it has learned from them and grown stronger. The second fact is that the United States is a diverse nation. It is made up of people from many different backgrounds, races, and religions. This diversity is one of its strengths, as it allows the United States to draw on the talents and ideas of many different people. The third fact is that the United States is a nation of immigrants. Most of the people who live in the United States today are descendants of immigrants from other countries. This has helped to shape the United States into the nation it is today. The fourth fact is that the United States is a nation of opportunity. It is a place where people can come and start a new life, where they can achieve their dreams, and where they can make a difference in the world. These are the facts that make the United States a special and important nation in the world.